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CHAPTER 1 INTRODUCTION TO MIXED USE (M) ZONES

100 GENERAL PROVISIONS

- 100.1 The M zones provide for mixed use developments that permit a broad range of commercial, institutional and multi-family residential development at varying densities.
- 100.2 The M zones are designed to provide facilities for housing, shopping and business needs, including residential, office, service and employment centers.
- 100.3 In addition to the purpose statements of individual chapters, the purposes of the M zones are to:
- (a) Provide for the orderly development and use of land and structures in the M zones, characterized by a mixture of land uses.
 - (b) Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city;
 - (c) Reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses;
 - (d) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;
 - (e) Ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas; and
 - (f) Preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities.
 - (g) Ensure that buildings and developments around fixed rail stations, transit hubs and streetcar lines are oriented to support active use of public transportation and safety of public spaces;
- 100.4 In the M zones, buildings may be entirely residential, or may be a mixture of non-residential and residential uses.
- 100.5 Combined Lot Development shall be permitted in accordance with the provisions of C Chapter 24 and the following provisions:
- (a) Where a combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses, the maximum permitted floor area for all uses and the maximum floor area

for nonresidential uses shall be calculated as if the lots were one lot, and the total project shall conform with both limitations.

- (b) If a combined lot development involves the transfer of bonus density or allocates residential development rights from one lot to another, the Certificate of Occupancy for the bonus floor area for the nonresidential building shall not be issued until a building permit has been issued for the building that will provide the residential or other preferred uses.
- (c) Where combined lot development is permitted, no allocation shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator in accordance with this Section.
- (d) The instrument shall bind the present and future owners of the respective lots so as to permanently devote residential and non-residential gross floor area on site equal to that square footage transferred or received, and shall specify the allocation of residential and non-residential uses among the lots.
- (e) The Office of the Attorney General shall certify the instrument for legal sufficiency. The instrument shall also contain a certification by the Office of Planning attesting to:
 - (1) The lots' eligibility to send and receive allocated residential and non-residential uses; and
 - (2) The accuracy of the computations with respect to the amount of residential and non-residential uses or density reallocated or transferred.
- (f) The District of Columbia need not be made a party to the instrument if the instrument provides that it shall neither be modified nor terminated without the express permission of the Zoning Commission of the District of Columbia.
- (g) The instrument shall be recorded for all affected lots in the Office of Recorder of Deeds, so that the notice of restrictions and transfer shall run with the title and deed to each affected lot and so that each land record accurately reflects the amount and type of density associated with the lots.
- (h) A certified copy of the recorded instrument shall be filed with the Zoning Administrator before approval of any building permit application that is affected by such allocation of uses or density.

101 DEVELOPMENT STANDARDS

- 101.1 The bulk of structures in the M zones shall be controlled through the combined requirements of the Development Standards Tables, the zone-specific Development Standards, and the General Development Standards of this subtitle.
- 101.2 The development standards are intended to:
- (a) Control the bulk or volume of structures, including height, floor-area ratio, and lot occupancy;
 - (b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear setbacks, side setbacks, and the relationship of buildings to street lot lines;
 - (c) Regulate the mixture of uses; and
 - (d) Ensure the environmental performance of development.
- 101.3 The development standards may include allowances for the provision of affordable housing consistent with the Inclusionary Zoning provisions of Subtitle C, Chapter 22 and will be so indicated by the letters “IZ” in the development standards table.
- 101.4 The Board of Zoning Adjustment may grant special exception relief from the development standards’ requirements. Additional use or zone specific special exception criteria, if applicable, shall be considered in determining any relief request
- 101.5 Residential uses may occupy all or any portion of the total permitted floor area ratio for a zone as listed in the development standards table.
- 101.6 Non-residential uses shall be limited to a maximum floor-area ratio as listed in the development standards table for each zone.
- 101.7 A courtyard is not required in an M zone, but where it is provided, it shall have the following minimum dimensions

	Open Courtyard Width:	Closed Courtyard Width:	Closed Courtyard Area:
Residential, more than three units:	Four inches per foot (4 in./ft.) of height of courtyard; Ten feet (10 ft.) minimum	Four inches per foot (4 in./ft.) of height of courtyard; Fifteen feet (15 ft.) minimum	Twice the square of the required width of courtyard dimension; Three hundred and fifty square feet (350 sq.ft.) minimum
Non-Residential and Lodging:	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Six feet (6 ft.) minimum	Two and one-half inches per foot (2 1/2 in./ft.) of height of courtyard; Twelve feet (12 ft.) minimum	Twice the square of the required width of courtyard dimension; Two hundred and fifty square feet (250 sq.ft.) minimum

101.8 Public Buildings and Structures in the M zones are regulated by Chapter 11 of this Subtitle.

102 USE PERMISSIONS

102.1 Use categories are identified in use tables provided for each zone, in the zone chapter.

102.2 Uses in the M zones are either permitted by right without conditions (P), by right subject to conditions (C), or as a special exception (S).

102.3 Use categories are permitted as either principal or accessory uses subject to any conditions.

CHAPTER 2 MIXED USE ZONES - M-1 AND M-2

200 PURPOSE AND INTENT

200.1 The purpose of the M-1 and M-2 zones (SP-1 and SP-2) is to:

- (a) Act as a buffer between adjoining non-residential and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone;
- (b) Preserve and protect areas adjacent to non-residential uses or zones that contain a mix of row houses, apartments, offices, and institutions at a medium to high density, including buildings of historic and architectural merit; and
- (c) Permit new residential development at a higher density than new office or institutional developments.

200.2 The M-1 zone (SP-1) is intended to permit moderate density areas predominantly developed with residential buildings but also permitting non-residential buildings.

200.3 The M-2 zone (SP-2) is intended to permit medium density areas predominantly developed with residential buildings but also permitting non-residential buildings.

200.4 The following Uses apply to the Mixed Use Zones addressed by this chapter.

201 DEVELOPMENT STANDARDS

201.1 The Development Standards Table for the M-1-A and M-2-A zones is as follows:

Zone	Height Max.	Floor Area Ratio Max.		Lot Occupancy Max.	GAR
		Total Permitted	Max. Non-Residential Use		
M-1 (SP-1)	65 ft. 70 ft. (IZ)	4.0 4.8 (IZ)	2.5	80%	0.3
M-2 (SP-2)	90 ft.	6.0 7.2 (IZ)	3.5	80%	0.3

202 TO BE DELETED

203 FLOOR AREA RATIO (FAR)

203.1 In addition to the FAR limitations of the development standards table the requirements of this section shall apply to the M-1 and M-2 zones.

203.2 In the computation of gross floor area for a lodging use with not less than thirty (30) rooms, the guest room areas and service areas shall be charged against the "Total Permitted" floor area ratio; Function rooms, exhibit space, and commercial

adjuncts shall be charged against the floor area ratio for "Maximum Non-residential Use"

- 203.3 For the purposes of this chapter, a lodging use with less than thirty (30) rooms, shall be charged against the "Total Permitted" floor area ratio.

204 REAR SETBACK

- 204.1 The following rear setback requirements shall apply in the M-1 and M-2 zones.

- 204.2 A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks

- 204.3 A rear setback is not required to be provided below a horizontal plane as described in § 204.2.

- 204.4 A rear setback is required to be provided above a horizontal plane as described in G§ 204.2, as set forth in the following table:

Zone	Minimum Rear Setback (ft.)
M-1 (SP-1)	12
M-2 (SP-2)	12

- 204.5 Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure.

- 204.6 Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

- 204.7 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Subtitle Y, Chapters 8 and Chapter 12 of this Subtitle.

205 SIDE SETBACKS

- 205.1 The following side setback requirements shall apply in the M-1 and M-2 zones.

- 205.2 No side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

- 205.3 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

- 205.4 Any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

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CHAPTER 3 MIXED USE ZONES – M-3, M-4, M-5, M-6, M-7, M-8, M-9, AND M-10

300 PURPOSE AND INTENT

- 300.1 The M-3 through M-10 zones are mixed use zones that are intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. A zone may be applied to more than one density designation
- 300.2 TO BE DELETED
- 300.3 The M-3 zone (C-1):
- (a) Is intended to permit low density mixed use development; and
 - (b) Is designed to provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development.
- 300.4 The M-4 zone (C-2-A):
- (a) Is intended to permit moderate density mixed use development;
 - (b) Is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
 - (c) Shall be located in low and moderate density residential areas with access to main roadways or rapid transit stops, and shall include office employment centers, shopping centers, and moderate bulk mixed use centers.
- 300.5 The M-5 zone (C-2-B):
- (a) Is intended to permit medium density, compact mixed-use development with an emphasis on residential use;
 - (b) Is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
 - (c) Shall be located on arterial streets, in uptown and regional centers, and at rapid transit stops.
- 300.6 The M-6 zone (C-2-C):
- (a) Is intended to permit medium to high density mixed-use development with a focus on residential use; and

- (b) Is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core.

300.7 The M-7 zone (C-3-A):

- (a) Is intended to permit medium density mixed-use development; and
- (b) Shall be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

300.8 The M-8 zone (C-3-B):

- (a) Is intended to permit medium density mixed-use development with a focus on employment;
- (b) Is intended for uptown locations, where a large component of development will be office-retail and other nonresidential uses; and
- (c) Shall be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

300.9 The M-9 zone (C-3-C):

- (a) Is intended to permit high density mixed-use development including office, retail, housing with a focus on employment;
- (b) Shall be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

300.10 The M-10 zone (CR):

- (a) Is intended to permit medium to high density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions;
- (b) Shall be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality;
- (c) Requires a level of public space at the ground level; and
- (d) Allows residential and nonresidential bulk to be apportioned between two or more lots in the same square.

301 DEVELOPMENT STANDARDS FOR THE M-3 THROUGH M-10 ZONES

301.1 The Development Standards Table for the M-3 through M-10 zones is as follows:

Zone	Max. Height	Max. Stories	Floor Area Ratio Max.		Lot Occupancy Max.	GAR	Plaza
			Total Permitted	Max. Non-Residential Use			
M-3 (C-1)	40 ft.	3	1.0 1.2 (IZ)	1.0	60%	0.3	-
M-4 (C-2-A)	50 ft.	N/A	2.5 3.0 (IZ)	1.5	N/A	0.3	-
M-5 (C-2-B)	65 ft. 70 ft. (IZ)	N/A	3.5 4.2 (IZ)	1.5	N/A	0.3	-
M-6 (C-2-C)	90 ft.	N/A	6.0 7.2 (IZ)	2.0		0.3	-
M-7 (C-3-A)	65 ft.	N/A	4.0 4.8 (IZ)	2.5		0.25	-
M-8 (C-3-B)	70 ft.	N/A	5.0 6.0 (IZ)	4.0		0.25	-
M-9 (C-3-C)	90 ft.	N/A	6.5 7.8 (IZ)	6.5		0.2	-
M-10 (CR)	90 ft. 100 ft. (IZ)	N/A	6.0 7.2 (IZ)	3.0		0.2	8% lot area

302 TO BE DELETED

303 FLOOR AREA RATIO (FAR) (M-3 through M-10)

303.1 TO BE DELETED

303.2 In the M-4 and M-5 zones (C-2-A and C-2-B), an existing building on a lot with an area ten thousand (10,000) square feet or less, may have a maximum floor area ratio of 2.0 for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

303.3 In the M-10 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of G §100.4. Both lots shall be located within the same square, and shall be zoned M-10.

304 TO BE DELETED

305 REAR SETBACK (M-3 through M-10)

305.1 The following rear setback requirements shall apply in the M3 through M-10 zones.

305.2 A required rear setback shall be provided with a minimum depth as set forth in the following table:

Zone		Rear Setback
M-3	(C-1)	20 ft.
M-4	(C-2-A)	15 ft.
M-5	(C-2-B)	15 ft.
M-6	(C-2-C)	15 ft.
M-7	(C-3-A)	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet
M-8	(C-3-B)	
M-9	(C-3-C)	
M-10	(CR)	

305.3 In the M-3 through M-9 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks.

305.4 In the M-3 through M-7 zones, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in G § 306.3 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in § 306.3, from the rear lot line to the rear wall of that portion immediately above the plane.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

305.5 In the M-8 and M-9 zones, rear setbacks shall be established subject to the following conditions:

- (a) A rear setback is not required to be provided below a horizontal plane as described in G § 306.3;
- (b) Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure;
- (c) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure

305.6 In the M-10 zone, rear setbacks are required only for residential uses and shall be established subject to the following conditions:

- (a) A rear setback shall be established no lower than the first level of residential use;

- (b) Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure;
- (c) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

305.7 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Subtitle Y, Chapters 8 and Chapter 12 of this Subtitle.

306 SIDE SETBACK

306.1 The following side setback requirements shall apply in the M-3 through M-10 zones.

306.2 No side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

306.3 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

306.4 Any portion of a building setback from the side lot line shall be considered a side setback and not a court.

307 PLAZA

307.1 Within the M-10 zone, plaza shall be provided for development on a lot of greater than 10,000 sq.ft., in accordance with the provisions of Subtitle C Chapter 14.

307.2 Where preferred use space is required under this Chapter and provided, the requirement to provide plaza space shall not apply.

308 TO BE DELETED

CHAPTER 4 MIXED USE ZONES – WATERFRONT (M-11, M-12, M-13 AND M-14)

400 PURPOSE AND INTENT

- 400.1 The M-11 through M-14 zones are mixed use zones that are intended to be applied generally in the vicinity of the waterfront.
- 400.2 TO BE DELETED
- 400.3 The M-11 zone: (W-0) is intended to:
- (a) Permit open space, park, and low-density and low-height waterfront-oriented retail and arts uses; and
 - (b) Be applied in undeveloped waterfront areas.
- 400.4 The M-12 zone (W-1) is intended to permit moderate density mixed-use development generally in the vicinity of the waterfront.
- 400.5 The M-13 zone (W-2) is intended to permit medium density mixed-use development generally in the vicinity of the waterfront.
- 400.6 The M-14 zone (W-3) is intended to permit high density mixed-use development generally in the vicinity of the waterfront.

401 DEVELOPMENT STANDARDS FOR THE M-11 THROUGH M-14 ZONES

- 401.1 The Development Standards Table for the M-11 through M-14 zones is as follows:

Zone	Max. Height	Floor Area Ratio Max.		Lot Occupancy Max.	GAR
		Total Permitted	Max. Non-Residential Use		
M-11 (W-0)	40 ft.	0.5	0.5	25%	0.3
M-12 (W-1)	45 ft. 50 ft. (IZ)	2.5 3.0 (IZ)	1.0	N/A	0.3
M-13 (W-2)	60 ft. 80 ft. (IZ)	4.0 4.8 (IZ)	2.0	N/A	0.3
M-14 (W-3)	90 ft.	6.0 7.2 (IZ)	5.0	N/A	0.3

402 HEIGHT AND ROOF STRUCTURE REGULATIONS

- 402.1 TO BE DELETED
- 402.2 In the M-11 zone, the following conditions apply:
- (a) A building or structure located on, in or over the water; or a watercraft,

including a floating home shall have a maximum height of twenty five (25) feet. For the purposes of this subsection, the maximum height shall be measured from the mean high water level along the shore directly in front of the building, structure or watercraft to the highest point of the building or structure, not including sailboat masts.

- (b) The requirements and permissions of Chapter 12 of this subtitle shall apply in addition to the height limitations of the development standards table and this section except that roof structures shall not exceed ten (10) feet in height above the roof upon which they are located.
- (c) Roof structures less than ten (10) feet in height above a roof or parapet wall of a structure on Kingman Island shall not be subject to the requirements of chapters 11 and 12 of this subtitle when the top of the roof structure is below maximum building height prescribed for the M-11 zone.

403 FLOOR AREA RATIO (FAR)

403.1 TO BE DELETED

403.2 In the M-11 through M-14 zones, the guestroom areas and service areas within lodging uses which may be charged against the "Total Permitted" floor area ratio.

403.3 In the M-11 zone, the floor area ratio on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75; and for the purposes of this sub-section, floor area ratio shall be the gross floor area of all buildings and structures located on land and any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

404 LOT OCCUPANCY

404.1 TO BE DELETED

404.2 Within the M-11 zone, no building or portion of a building, including accessory buildings, shall occupy greater than twenty-five percent (25%) of the lot upon which it is located, provided that:

- (a) The lot occupancy on a lot used exclusively for a recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed fifty percent (50%) and
- (b) For the purposes of this section, the lot occupancy shall be the total area occupied by all buildings and structures located on land and by any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

405 REAR SETBACK

405.1 TO BE DELETED

405.2 Rear setbacks are required only for residential uses and shall be established no lower than the first level of residential use.

405.3 A required rear setback shall be provided with a minimum depth as set forth in the following table:

Zone	Rear Setback
M-11 (W-0)	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet
M-12 (W-1)	
M-13 (W-2)	
M-14 (W-3)	

405.4 Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure;

405.5 Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

405.6 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Subtitle Y, Chapters 8 AND Chapter 12 of this Subtitle.

406 SIDE SETBACK

406.1 TO BE DELETED

406.2 In the M-11 zone, a side setback for any building or structure located in whole or in part on land, shall be no less than twelve (12) feet.

406.3 In the M-12 through M-14, no side setback is required; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

406.4 Any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

407 WATERFRONT SETBACK

407.1 A waterfront setback shall be provided in accordance with the provisions of Subtitle C Chapter 23

407.2 A setback of not less than one hundred feet (100 ft.) to any building or structure, shall be provided.

DRAFT

CHAPTER 5 MIXED USE ZONES – DUPONT CIRCLE (M-16 THROUGH M-23)

500 PURPOSE AND INTENT

500.1 The purpose of the Dupont Circle Mixed Use zones is to:

- (a) Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensure a general compatibility in the scale of new buildings with older, low scale buildings;
- (b) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development;
- (c) Protect the integrity of “contributing buildings”, as that term is defined by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 and 1999 Supp.)));
- (d) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;
- (e) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces and limited curb cuts on Connecticut Avenue; and
- (f) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

500.2 The M-16 (SP-1/DC) is intended to permit moderate density areas predominantly developed with residential buildings.

500.3 The M-17 (SP-2/DC) is intended to permit medium density areas predominantly developed with residential buildings.

500.4 The M-18 zone (C-2-A/DC) is intended to permit moderate density mixed use development.

500.5 The M-19 zone (C-2-B/DC) is intended to permit medium density, compact mixed use development with an emphasis on residential development.

500.6 The M-20 zone (C-2-C/DC) is intended to permit medium density mixed-use development with a focus on residential use.

500.7 The M-21 zone (C-3-B/ DC) is intended to permit medium density mixed-use development with a focus on employment.

- 500.8 The M-22 zone (C-3-C/DC) is intended to permit high density mixed-use development with a focus on employment.
- 500.9 The M-23 zone (CR/DC) is intended to permit medium to high density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.
- 500.10 No driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, N.W., to Florida Avenue, N.W.

501 DEVELOPMENT STANDARDS FOR THE M-16 THROUGH M-23 ZONES

- 501.1 The Development Standards Table for the M-16 through M-23 zones is as follows:

Zone	Max. Height	Floor Area Ratio Max.		Lot Occupancy Max.	GAR	Plaza
		Total Permitted	Max. Non-Residential Use			
M-16 (SP-1/DC)	65 ft. 70 ft. (IZ)	4.0 4.8 (IZ)	2.5	100%	0.30	
M-17 (SP-2/DC)	90 ft.	6.0 7.2 (IZ)	3.5	100%	0.30	
M-18 (C-2-A/DC)	50 ft.	2.5 3.0 (IZ)	1.5	100%	0.30	
M-19 (C-2-B/DC)	65 ft. 70 ft. (IZ)	3.5 4.2 (IZ)	1.5	100%	0.30	
M-20 (C-2-C/DC)	90 ft.	6.0 7.2 (IZ)	2.0	100%	0.30	
M-21 (C-3-B/DC)	70 ft.	5.0 6.0 (IZ)	4.0	100%	0.25	
M-22 (C-3-C/DC)	90 ft.	6.5 7.8 (IZ)	6.5	100%	0.25	
M-23 (CR/DC)	90 ft. 100 ft. (IZ)	6.0 7.2 (IZ)	3.0	100%	0.20	8% of lot area

502 TO BE DELETED

503 FLOOR AREA RATIO (FAR)

503.1 TO BE DELETED

- 503.2 In the M-18 and M-19 zones (C-2-A and C-2-B) an existing building on a lot with an area ten thousand (10,000) square feet or less, may have a maximum floor area ratio of 2.0 for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

- 503.3 In the M-23 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in

accordance with the provisions of G §100.4. Both lots shall be located within the same square, and shall be zoned M-23.

504 PLAZA

504.1 Within the M-23 zone, a plaza shall be provided for development on a lot of greater than 10,000 sq.ft., in accordance with the provisions of C Chapter 14.

504.2 Where preferred use space is required under this Chapter and provided, the requirement to provide plaza space shall not apply.

505 REAR SETBACK

505.1 TO BE DELETED

505.2 A required rear setback shall be provided with a minimum depth as set forth in the following table:

Zone		Rear Setback
M-16	(SP-1/DC)	12 ft.
M-17	(SP-2/DC)	12 ft.
M-18	(C-2-A/DC)	15 ft.
M-19	(C-2-B/DC)	15 ft.
M-20	(C-2-C/DC)	15 ft.
M-21	(C-3-B/DC)	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet
M-22	((C-3-C/DC)	
M-23	(CR/DC)	

505.3 In the M-16 and M-17 zones, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

505.4 In the M-18 through M-22 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks.

505.5 In the M-18 through M-20 zones, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in G§ 506.4 from the center line of the alley to the rear wall of the portion; and

- (2) For that portion of the structure above the horizontal plane described in G§ 505.4, from the rear lot line to the rear wall of that portion immediately above the plane.

- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure

505.6 In the M-21 and M-22 (C-3-B/C) zones, rear setbacks shall be established subject to the following conditions:

- (a) A rear setback is not required to be provided below a horizontal plane as described in G § 505.4;
- (b) Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure;
- (c) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure

505.7 In the M-23 (CR) zone, rear setbacks are required only for residential uses and shall be established subject to the following conditions:

- (a) A rear setback shall be established no lower than the first level of residential use;
- (b) Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure;
- (c) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

505.8 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Subtitle Y, Chapter 8 and Chapter 13 of this Subtitle.

506 SIDE SETBACK

506.1 TO BE DELETED

506.2 In the M-16, M-17, and M-23 zones, no side setback is required; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

506.1 In the M-18, M-19, M-20 M-21, and M-22 zones, no side setback is required for a building or structure other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

506.2 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

506.3 Any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

507 TO BE DELETED

508 COMBINED LOT DEVELOPMENT

508.1 The following combined lot development provision shall apply to the M-10 zone only.

508.2 The allowable residential and nonresidential bulk of a CR District may be apportioned between two (2) or more lots in the same square, regardless of the limits on floor area; provided, that the aggregate residential and nonresidential floor area may not exceed the zone limits.

508.3 A covenant running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties and the District of Columbia government prior to the issuance of any building permits. The covenant shall be for the purpose of insuring that the aggregate residential and nonresidential floor area does not exceed the limits applicable to residential and nonresidential uses.

508.4 For the purposes of this section, the term "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, community-based residential facilities, inns, and guest room areas and service areas within hotels.

CHAPTER 6 MIXED USE ZONES – CAPITOL INTEREST/CAPITOL HILL (M-24, M-25, M-26 AND M-27)

600 PURPOSE AND INTENT

600.1 The purpose of the Capitol Interest Mixed Use zones (M-24, M-25, and M-26) is to:

- (a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;
 - (1) Respect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;
 - (2) Provide particular controls adjacent to properties having a well-recognized general public interest; and
 - (3) Restrict some of the permitted uses to reduce the possibility of harming the site, building, or district to be protected.

600.2 The M-24 zone (SP-2/CAP) is intended to permit medium density areas predominantly developed with residential buildings consistent with the purposes of G § 600.1.

600.3 The M-25 zone (C-2-A/CAP) is intended to permit moderate density mixed use development consistent with the purposes of G § 600.1.

600.4 The Capitol Hill Commercial Mixed Use zones include the M-26 (C-2-A/CHC) and M-27 (C-2-A/CAP/CHC) zones and are intended to:

- (a) Encourage the adaptive use and reuse of existing buildings, many of which are located in the Capitol Hill Historic District, particularly with respect to the portions of the buildings that exceed the commercial floor area ratio permitted in the underlying zone districts;
- (b) Concentrate nonresidential uses in Commercial Zone Districts in certain areas of Capitol Hill, thereby enhancing and protecting the residential character of the areas surrounding the Commercial Districts and relieving pressure to use properties zoned residential for commercial uses; and
- (c) Provide appropriate incentives for new infill construction that is compatible with the Capitol Hill Historic District and its predominance of low scale row house structures.

600.5 The M-26 zone (C-2-A/CHC) is intended to permit moderate density mixed use development consistent with the purpose of G § 600.4.

600.6 The M-27 zone (C-2-A/CAP/CHC) is intended to permit moderate density mixed use development consistent with the purposes of G §§ 600.1 and 600.4

601 DEVELOPMENT STANDARDS FOR THE M-24, M-25, M-26 AND M-27 ZONES

601.1 The Development Standards Table for the M-24 through M-27 zones is as follows:

Zone	Max. Height	No. of Stories	Floor Area Ratio Max.		Lot Occupancy Max.	GAR
			Total Permitted	Max. Non-Residential Use		
M-24 (SP-2/CAP)	40 ft.	3	1.8 2.16 (IZ)		80%	0.3
M-25 (C-2-A/CAP)	40 ft.	3	1.8 2.16 (IZ)	1.5	75%	0.3
M-26 (C-2-A/CHC)	50 ft.	N/A	2.5 3.0 (IZ)	3.0	100%	0.3
M-27 (C-2-A/CAP/CHC)	40 ft.	3	1.8 2.16 (IZ)	1.5	75%	0.3

602 HEIGHT AND ROOF STRUCTURE REGULATIONS

602.1 In the M-24, M-25, and M-27 zones, the requirements and permissions of Chapter 12 of this subtitle shall apply in addition to the height limitations of the development standards table, except that roof structures shall not exceed ten (10) feet in height above the roof upon which they are located.

602.2 In the M-26 zone, the requirements and permissions of Chapter 12 of this subtitle shall apply in addition to the height limitations of the development standards table.

603 TO BE DELETED

604 TO BE DELETED

605 REAR SETBACK

605.1 The following rear setback requirements shall apply in the M-24 through M-27 zones.

605.2 A required rear setback shall be provided with a minimum depth as set forth in the following table:

Zone	Min. Rear Setback
M-24 (SP-2/CAP)	12 ft.
M-25 (C-2-A/CAP)	15 ft.
M-26 (C-2-A/CHC)	15 ft.
M-27 (C-2-A/CAP/CHC)	15 ft.

605.3 In the M-24 zones, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

605.4 In the M-25 through M-27 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks.

605.5 In the M-25 through M-27 zones, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in § 606.3 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in § 606.3, from the rear lot line to the rear wall of that portion immediately above the plane.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

605.6 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Subtitle Y, Chapter 8 and Chapter 12 of this Subtitle.

606 SIDE SETBACKS

606.1 TO BE DELETED

606.2 No side setback is required for a principal building other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall

be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

606.3 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

606.4 Any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

607 SPECIAL EXCEPTIONS

607.1 Any special exception application shall be subject to the following conditions in addition to any conditions relative to the specific special exception.

- (a) Compatible with the present and proposed development of the neighborhood;
- (b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and
- (c) In accordance with the plan promulgated under the Act.

607.2 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

607.3 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

607.4 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

608 TO BE DELETED

CHAPTER 7 MIXED USE ZONES – NAVAL OBSERVATORY (M-28)

700 PURPOSE AND INTENT

700.1 The purpose of the Naval Observatory zone (M-28 (C-2-A/NO)) is to:

- (a) Permit moderate density mixed use development;
- (b) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;
- (c) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special mission of the Naval Observatory;
- (d) Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;
- (e) Reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone; and
- (f) Provide additional controls on private land, in order to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President's residence.

700.2 The M-28 zone (C-2-A/NO) is intended to permit moderate density mixed use development.

701 DEVELOPMENT STANDARDS FOR THE M-28 ZONE

701.1 The Development Standards Table for the M-28 zone is as follows:

Zone	Max. Height	Floor Area Ratio Max.		Lot Occupancy Max.	GAR
		Total Permitted	Max. Non-Residential Use		
M-28 (C-2-A/NO)	40 ft.	3.0 3.6 (IZ)	1.5	100%	0.3

701.2 The provisions of X Chapter 3 of this title shall not operate to permit a planned unit development in the M-28 zone to exceed either the limits of G § 701.1, or the area, bulk, and setback standards that apply as a matter of right in the M-28 zone.

702 TO BE DELETED

703 FLOOR AREA RATIO (FAR)

703.1 TO BE DELETED

703.2 An existing building on a lot ten thousand (10,000) square feet or less may exceed the maximum floor area ratio standard for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

704 REAR SETBACK

704.1 TO BE DELETED

704.2 A required rear setback shall be provided with a minimum depth as set forth in the following table:

Zone	Rear Setback
M-28 (C-2-A/NO)	15 ft.

704.3 A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks.

704.4 Rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in § 704.3 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in § 704.3, from the rear lot line to the rear wall of that portion immediately above the plane.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure

704.5 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Subtitle Y, Chapter 8 and Chapter 12 of this Subtitle.

705 SIDE SETBACK

705.1 TO BE DELETED

705.2 No side setback is required for a principal building other than a single family detached or semi-detached dwelling; however, if a side setback is provided it shall

be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

705.3 A side setback for a single family detached or semi-detached dwelling shall be a minimum of eight feet (8 ft.).

705.4 Any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

706 TO BE DELETED

DRAFT

CHAPTER 8 MIXED USE ZONES – GROUP 7- UPTOWN ARTS (M-29, M-30, M-31, M-32)

800 PURPOSE AND INTENT

800.1 The purpose of the Uptown Arts Mixed Use zones (M-29, M-30, M-31, M-32) is to:

- (a) Promote the creation of arts, arts-related, and art-supporting uses;
- (b) Encourage a pedestrian scale of development, a mixture of building uses, adaptive reuse of older buildings, strengthened design character, public safety, and eighteen hour activity; and
- (c) Require uses that encourage pedestrian activity, especially retail, entertainment, and residential uses.

800.2 The M-29 zone (C-2-A/ARTS) is intended to permit moderate density mixed use development.

800.3 The M-30 zones: (C-2-B/ARTS) are intended to permit medium density, compact mixed use development with an emphasis on residential development.

800.4 The M-31 zone (C-3-A/ARTS) is intended to permit medium density mixed-use development with a focus on employment.

800.5 The M-32 zone (CR/ARTS) is intended to permit medium to high density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.

800.6 The requirements of this chapter shall apply to all new construction and to any addition, alteration, or repair that within any twenty-four (24) month period exceeds seventy-five percent (75%) of the assessed value of the building; provided:

- (a) The cost basis for alterations or additions to an existing building shall be the amount indicated by the applicant on the application for a building permit; and
- (b) The assessed value of the building shall be the value in the records of the Office of Tax and Revenue as of the date of the building permit application.

801 DEVELOPMENT STANDARDS FOR THE M-29 THROUGH M-32 ZONES

801.1 The Development Standards Table for the M-29 through M-32 zones is as follows:

Zone	Max. Height	Floor Area Ratio Max.		Lot Occupancy Max.	GAR
		Total Permitted	Max. Non-Residential Use		
M-29 (C-2-A /ARTS)	50 ft.	2.5 3.0 (IZ)	1.5	N/A	0.30
M-30 (C-2-B /ARTS)	65 ft. 70 ft. (IZ)	3.5 4.2 (IZ)	1.5	N/A	0.30
M-31 (C-3-A /ARTS)	75 ft.	4.0 4.8 (IZ)	2.5	N/A	0.25
M-32 (CR/ARTS)	90 ft. 100 ft. (IZ)	6.0 7.2 (IZ)	3.0	N/A	0.20

802 HEIGHT AND ROOF STRUCTURE REGULATIONS

802.1 TO BE DELETED

802.2 In the M-31 (C-3-A/ARTS) zone, the maximum height of a roof structure permitted by this title shall be eighty-three and one-half feet (83 1/2 ft.), measured from the measuring point used for the building.

802.3 In the M-31 (C-3-A/ARTS) zone, if a lot abuts either a Residence, Residence-Flat or Apartment zone or an alley that serves as the zone district boundary line of an adjacent Residence, Residence-Flat or Apartment zone, no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located fifty feet (50 ft.) directly above the property line that abuts the Residence, Residence-Flat, or Apartment zone or the alley.

802.4 In the M-32 (CR/ARTS) zone, if a building is located on a lot that abuts a street, an alley, or a zone district boundary with a Residence, Residence-Flat or Apartment zone, no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located sixty-five feet (65 ft.) directly above the property line on each such street, alley, or zone district boundary line.

802.5 When there is a conflict between this chapter and chapters 11 and 12, the provisions of this chapter shall apply.

803 FLOOR AREA RATIO (FAR)

803.1 TO BE DELETED

803.2 In the M-29 and M-30 zones, an existing building on a lot with an area of ten thousand (10,000) square feet or less, may have a maximum floor area ratio of 2.0 for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

803.3 A building that includes 3.0 or more FAR devoted to residential uses is entitled to an increase of 0.5 in the building's total FAR

803.4 In the M-32 zone, development of a lot or lots in a combined lot development pursuant to Subtitle C Chapter 24 shall provide not less than 2.5 Floor Area Ratio (FAR) of residential or hotel development subject to the spacing requirement of G § 809.4, concurrent with any commercial development on the lot or combined lots; provided:

(a) This requirement shall not apply to:

- (1) A lot or a combined lot having less than seven thousand five hundred square feet (7,500 ft.²) of land area;
- (2) A conversion of a building constructed before 1958 to nonresidential uses; or
- (3) A building that contributes to a historic district or is designated a landmark, and that has at least 0.5 FAR occupied by or reserved for one or more of the preferred Arts uses as listed in Subtitle C, Chapter 24, other than eating and Drinking Establishments.

804 BONUS DENSITY

804.1 A project shall be eligible for density in accordance with C § 2405 for space devoted to one or more of the preferred Arts uses of C §2404, subject to the following provisions:

- (a) One square foot of bonus density shall be earned for each square foot of arts use provided;
- (b) Bonus density may be used in accordance with the provisions of C § 2406, provided that:
 - (1) No building that uses bonus density shall achieve a maximum FAR in excess of 6.0 in the M-32 District, 4.5 in the underlying M-30 or M-31 Districts, or 3.0 in the underlying M-29 District; and
 - (2) No property subject to C Chapter 22 shall be eligible for bonus density unless it has met the set-aside requirements and used all the bonus density of available through C Chapter 26.

805 REAR SETBACK

805.1 TO BE DELETED

805.2 A required rear setback shall be provided with a minimum depth as set forth in the following table:

Zone		Rear Setback
M-29	(C-2-A/ARTS)	15 ft.
M-30	(C-2-B/ARTS)	15 ft.
M-31	(C-3-A/ARTS)	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet
M-32	(CR/ARTS)	

805.3 In the M-29 through M-31 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks.

805.4 In the M-29 through M-31 zones, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in § 805.3 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in § 805.3, from the rear lot line to the rear wall of that portion immediately above the plane.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

805.5 In the M-32 (CR) zone, rear setbacks are required only for residential uses and shall be established subject to the following conditions:

- (a) A rear setback shall be established no lower than the first level of residential use;
- (b) Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure;
- (c) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

805.6 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Y Chapter 8 and G Chapter 12.

806 SIDE SETBACK

806.1 TO BE DELETED

806.2 No side setback is required for a principal building; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

806.3 Any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

807 PLANNED UNIT DEVELOPMENT

807.1 In the M-29 through M-32 zones, the bonus density and height permitted with bonus uses shall also serve as the guidelines for planned unit developments.

808 STREET FRONTAGE DESIGN REQUIREMENTS

808.1 The following design requirements shall apply to any lot that fronts on 14th Street, U Street, 7th Street; or Florida Avenue between 7th and 9th Streets, ("pedestrian streets"):

- (a) No driveway that provides access from a pedestrian street to required parking spaces or loading berths shall be permitted.
- (b) Each new building on a lot that fronts on a pedestrian street shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than fifteen feet (15 ft.) shall be constructed to the street lot line.
- (c) Not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building on a lot that fronts on a pedestrian street shall be devoted to display windows and to entrances to commercial uses or to the building; provided:
 - (1) The windows shall use clear or low-emissivity glass, except for decorative or architectural accent; and
 - (2) Entrances to the building, including entrances to shops and the main lobby, shall be separated by not more than forty feet (40 ft.) on average for the linear frontage of the building.

809 USE PERMISSIONS

809.1 In the M-29 through M-32 zones, the Arts Uses and Use Groups of Subtitle C, Chapter 24 shall apply in addition to the Use Group standards of Chapter 14.

809.2 The use requirements and limitations of this section shall apply to the M-29 through M-32 zones in addition to Use Group standards of G Chapter 14.

809.3 Preferred Arts Uses and Use Groups listed in Subtitle C, Chapter 24 shall constitute 0.5 FAR of the building on a lot that fronts on 14th Street, U Street, 7th

Street; or Florida Avenue between 7th and 9th Streets; provided, this requirement shall not apply to a building located on a lot less than fifty feet (50 ft.) in width, measured along the property line that abuts the public street, if the building is used as an apartment house, multiple dwelling, or hotel.

809.4 A hotel shall be a permitted use; provided, no other hotel is located within five hundred feet (500 ft.).

809.5 No drive-through accessory to any use shall be permitted.

809.6 Eating establishments, drinking establishments, or eating and drinking establishments (“eating/drinking establishments”) shall be subject to the following limitations:

- (a) No portion of an eating/drinking establishment located on the ground floor is permitted to occupy more than fifty percent (50%) of the linear frontage of each individual square, as set forth below:

14th Street, N.W.		U Street, N.W.	
Square	Frontage (feet)	Square	Frontage (feet)
202	222.5	204	305.3
203	310.0	205	618.0
204	320.0	236	523.4
205	430.6	237	538.5
206	399.8	273	225.3
207	450.1	274	340.9
208	400.0	304	192.2
209	380.0	305	186.0
210	203.5	332	189.7
211	304.2	333	187.7
234	253.1	359	96.8
235	310.0	360	230.4
236	320.0	361	251.7
237	380.0		
238	450.0		
239	200.0		
240	391.0		
241	450.0		
242	363.1		
242N	154.5		

- (b) An eating/drinking establishment not located on the ground (street) level of a building shall not count towards the fifty percent (50%) limit; and
- (c) An entrance to an eating/drinking establishment that is not located on the ground (street) level shall not count towards the fifty percent (50%) limit.

810**COMBINED LOT DEVELOPMENT****810.1**

Combined lot development is permitted for the purposes of transferring bonus density and allocating the permitted mixture of uses among development sites, in accordance with G §100.5 and the following provisions.

- (a) The lots may be located in the same square or in different squares within the Uptown Arts zones of M-29, M-30, M-31, M-32;
- (b) Bonus floor area earned by the provisions of G §§ 803.4 or 804 may be developed on any lot or combination of lots governed by the instrument required by G § 100.5; provided, no development on any lot shall exceed the maximum height and bulk standards in G § 801 and C §2406.1;
- (c) The ground level uses required by G § 809 shall not be transferred, but shall be provided on each lot; and
- (d) In developments in which residential development is required by this subsection, a certificate of occupancy for commercial or nonresidential uses shall not be issued prior to the issuance of a certificate of occupancy for a residential or hotel component.

811**SPECIAL EXCEPTIONS****811.1**

The Board of Zoning Adjustment may grant exceptions pursuant to Y Chapter 8 from the requirements or limits of Sections 802, 803, 804.1(b) or 808 subject also to the following criteria

- (a) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the M-29 through M-32 Districts and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;
- (b) The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report;
- (c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and
- (d) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the zone districts.

CHAPTER 9 MIXED USE ZONES –REED-COOKE (M-33, M-34)

900 PURPOSE AND INTENT

900.1 The purpose of the Reed-Cooke Mixed Use zones (M-33, M-34) is to:

- (a) Protect current housing and encourage new residential development
- (b) Encourage small-scale business development that serve the local community while minimizing the potential traffic, parking, environmental, social, and aesthetic impacts on the adjacent and nearby residential community; and
- (c) Limit permitted heights and densities; and
- (d) Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building located on Lot 872 of Square 2560, through a planned unit development process.

900.2 The M-33 zone (C-2-A/RC) is intended to permit moderate density mixed use development at a limited height and with an emphasis on housing.

900.3 The M-34 zone (C-2-B/RC) is intended to permit medium density, compact mixed use development with an emphasis on residential development at a limited height and with an emphasis on housing.

900.4 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to:

- (a) All new construction;
- (b) All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;
- (c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and
- (d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.

900.5 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to G § 900.4(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:

- (a) The first shall be selected by the owner;

- (b) The second shall be selected by the Zoning Administrator; and
- (c) The third shall be selected by the first two (2) contractors.

900.6 The estimates provided for by G § 900.5 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.

900.7 The cost of estimates shall be at the expense of the property owner.

901 DEVELOPMENT STANDARDS FOR THE M-33 THROUGH M-34 ZONES

901.1 The Development Standards Table for the M-33 through M-34 zones is as follows:

Zone	Max. Height.	Floor Area Ratio Max.		Lot Occupancy Max.	GAR
		Total Permitted	Max. Non-Residential Use		
M-33 (C-2-A/RC)	40 ft.	2.5 3.0 (IZ)	1.5	N/A	0.30
M-34 (C-2-B/RC)	40 ft. 50 ft. (IZ)	3.5 4.2 (IZ)	1.5	N/A	0.30

901.2 The provisions of Subtitle X, Chapter 2 of this title shall not operate to permit a planned unit development in the A-8 zone to exceed the height, bulk, and area standards of G § 901.1.

901.3 Notwithstanding G §§ 901.1 and 901.2, the Zoning Commission, as part of a planned unit development permitting a hotel integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, may permit a building height on former Lots 875 and 127 not to exceed 72 feet measured from Euclid Street, and an overall building density not to exceed 3.99 FAR.

902 HEIGHT AND ROOF STRUCTURE REGULATIONS

902.1 TO BE DELETED

902.2 A building shall be permitted a maximum height of fifty feet (50 ft.), plus roof structures, provided fifty percent (50%) of the additional gross floor area made possible by the height bonus is devoted to low and moderate income household units, as defined in Subtitle B Chapter 2.

902.3 When there is a conflict between this chapter and chapters 11 and 12, the provisions of this chapter shall apply.

903 FLOOR AREA RATIO (FAR)

903.1 TO BE DELETED

903.2 In the M-33 and M-34 zones (C-2-A/B) an existing building on a lot with an area ten thousand (10,000) square feet or less, may have a maximum floor area ratio of 2.0 for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

904 TO BE DELETED

905 REAR SETBACK

905.1 TO BE DELETED

905.2 A required rear setback shall be provided with a minimum depth as set forth in the following table:

Zone	Rear Setback
M-33 (C-2-A/RC)	15 ft.
M-34 (C-2-B/RC)	15 ft.

905.3 In the M-33 and M-34 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks.

905.4 In the M-33 and M-34 zones, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in § 905.3 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in § 905.3, from the rear lot line to the rear wall of that portion immediately above the plane.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

905.5 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Y Chapters 8 and Chapter 12 of this Subtitle.

906 SIDE SETBACK

906.1 TO BE DELETED

906.2 No side setback is required for a principal building; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

906.3 Any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

907 TO BE DELETED

DRAFT

CHAPTER 10 MIXED USE ZONES –FORT TOTTEN- (M-35, M-36)

1000 PURPOSE AND INTENT

- 1000.1 The purpose of the Fort Totten Mixed Use zones (M-35, M-36) is to:
- (a) Encourage future residential and commercial development while enabling existing industries to remain in the District; and
 - (b) Protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of the buffering standards.
- 1000.2 The M-35 zone (C-3-A/FT) is intended to permit medium density mixed-use development with a focus on employment.
- 1000.3 The M-36 zone (CR/FT) is intended to permit medium to high density development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.

1001 DEVELOPMENT STANDARDS FOR THE M-35 AND M-36 ZONES

- 1001.1 The Development Standards Table for the M-35 and M-36 zones is as follows:

Zone	Max. Height	Floor Area Ratio Max.		Lot Occupancy Max.	GAR
		Total Permitted	Max. Non-Residential Use		
M-35 (C-3-A/FT)	65 ft.	4.0 4.8 (IZ)	2.5	100%	0.25
M-36 (CR/FT)	80 ft. 90 ft. (IZ)	5.0 6.0 (IZ)	3.0	100%	0.20

1002 HEIGHT AND ROOF STRUCTURE REGULATIONS

- 1002.1 TO BE DELETED
- 1002.2 Buildings proposed to have a height in excess of sixty-five feet (65 ft.) shall provide special architectural features, roof parapet detailing, and design consideration of roof top and penthouse structures to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed. The D.C. Office of Planning shall review and provide a report with recommendation to the Zoning Administrator prior to the issuance of a building permit.
- 1002.3 When there is a conflict between this Chapter and Chapters 11 and 12, the provisions of this Chapter shall apply.

1003 FLOOR AREA RATIO (FAR)

- 1003.1 TO BE DELETED

1003.2 Floor Area Ratios may be increased in in the M-35 and M-36 zones (C-2-A/B) an existing building on a lot with an area ten thousand (10,000) square feet or less, may have a maximum floor area ratio of 2.0 for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

1003.3 In the M-36 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of G §100.4. Both lots shall be located within the same square, and shall be zoned M-36.

1004 TO BE DELETED

1005 REAR SETBACK

1005.1 TO BE DELETED

1005.2 A required rear setback shall be provided with a minimum depth as set forth in the following table:

Zone	Rear Setback
M-35 (C-3-A/FT) M-10 (CR/FT)	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet

1005.3 In the M-35 (C-3-A/FT) zone, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear setbacks.

1005.4 In the M-35 (C-3-A/FT) zone, rear setbacks shall be measured as follows:

- (a) Where a lot abuts an alley:
 - (1) For that portion of the structure below a horizontal plane described in G § 1005.3 from the center line of the alley to the rear wall of the portion; and
 - (2) For that portion of the structure above the horizontal plane described in G § 1005.3, from the rear lot line to the rear wall of that portion immediately above the plane.
- (b) Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

1005.5 In the M-36 (CR/FT) zone, rear setbacks are required only for residential uses and shall be established subject to the following conditions:

- (a) A rear setback shall be established no lower than the first level of residential use;

- (b) Where a lot abuts an alley, the rear setback may be measured from the center line of the alley to the rear wall of the building or other structure;

1005.6 Where a lot does not abut an alley, the rear setback shall be measured from the rear lot line to the rear wall of the building or other structure.

1005.7 The Board of Zoning Adjustment may waive rear setback requirements pursuant to Subtitle Y, Chapter 8 and Chapter 12 of this Subtitle.

1006 SIDE SETBACK

1006.1 TO BE DELETED

1006.2 No side setback is required for a principal building; however, if a side setback is provided it shall be at least two inches (2 in.) wide for each foot of height of building but no less than five feet (5 ft.).

1006.3 Any portion of a building setback from the side lot line shall be considered a side setback and not a courtyard.

1007 YARDS AND SCREENING

1007.1 A business or industrial use that expands consistent with the development standards of this chapter shall comply with the following yard and screening standards:

- (a) If the lot line of the lot being developed coincides with the lot line of a property in a residential zone, or is separated only by a street or alley from a property in a residential zone, where the property is not owned by a business or industrial user, and the property is not being used for residential purposes, the following standards shall apply:
 - (b) A yard of twenty-five feet (25 ft.) shall be provided on the portion of the lot adjacent to the residential zone; provided, that the following requirements are met;
 - (1) Where there is a street or an alley between the residential lot and the lot subject to the M-35, P-6 or P-7 zones, the required yard shall be fifteen feet (15 ft.) measured from the lot line;
 - (2) The yard shall not be used for parking, loading, or accessory uses;
 - (3) The yard shall be landscaped with evergreen trees in a healthy growing condition which shall be a minimum of six feet to eight feet (6 ft. to 8 ft.) in height when planted; and
 - (4) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application

to the D.C. Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top soil and drainage mechanisms as necessary; and

- (c) A fence or wall shall be erected as a buffer between the residential lot(s) not owned by a business or industrial user that abut a lot affected by this zone; provided, that the fence or wall shall be no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height, and shall be either a solid, wood, board-on-board fence or a brick or stone wall.

1008

TO BE DELETED

CHAPTER 11 DEVELOPMENT STANDARDS FOR PUBLIC BUILDINGS OR STRUCTURES

1100.1 This chapter contains supplemental development standards for public buildings or structures in M zones.

1100.2 Development standards not otherwise addressed by this chapter shall be those development standards for the zone in which the buildings or structures is proposed.

1101 PARKS AND RECREATION USE

1101.1 A building devoted to a Parks and Recreation use shall be subject to the following development standards:

Zone	Height	Lot Occupancy Max.	Floor Area Ratio Max.	Gross Floor Area Max.
M-1 (SP-1)	45 ft.	20 %	1.8	40,000 sq. ft.
M-2 (SP-2)	45 ft.	20 %	1.8	40,000 sq. ft.
M-10 (CR)	45 ft.	20 %	3.0	40,000 sq. ft.
M-11 (W-0)	40 ft.	20 %	1.8	40,000 sq. ft.
M-12 (W-1)	45 ft.	20 %	1.8	40,000 sq. ft.
M-13 (W-2)	45 ft.	20 %	1.8	40,000 sq. ft.
M-14 (W-3)	45 ft.	20 %	1.8	40,000 sq. ft.
M-16 (SP-1/DC)	45 ft.	20 %	1.8	40,000 sq. ft.
M-17 (SP-2/DC)	45 ft.	20 %	1.8	40,000 sq. ft.
M-23 (CR/DC)	45 ft.	20 %	3.0	40,000 sq. ft.
M-24 (SP-2/CAP)	45 ft.	20 %	1.8	40,000 sq. ft.
M-32 (CR/ARTS)	45 ft.	20 %	3.0	40,000 sq. ft.
M-36 (CR/FT)	45 ft.	20 %	3.0	40,000 sq. ft.

1101.2 A public recreation and community center may exceed lot occupancy requirements if approved by the Board of Zoning Adjustment; provided that, in addition to the requirements of Subtitle Y § Chapter 8, the Board finds that the increase is consistent with District policies related to the preservation of open space.

1101.3 A public recreation and community center may exceed the permitted gross floor area if approved by the Board of Zoning Adjustment as a special exception.

1102 PUBLIC EDUCATION BUILDINGS

1102.1 A public education buildings or structures in the M-3 (C-1) zone shall be permitted a maximum floor area ratio of 1.8.

CHAPTER 12 HEIGHT AND ROOF STRUCTURE REGULATIONS

1200 HEIGHT REGULATIONS

- 1200.1 In addition to the height limitations of the development standards table, the following regulations apply to the M zones.
- 1200.2 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over elevator shafts, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes.
- 1200.3 Housing for mechanical equipment or a stairway or elevator penthouse provided on the roof of a building or structure shall be erected or enlarged subject to the following conditions:
- (a) It shall meet the requirements of G § 1201;
 - (b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and
 - (c) It shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.
- 1200.4 Roof structures less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section

1201 ROOF STRUCTURES

- 1201.1 In addition to the height regulations of G § 1200 the following regulations apply to roof structures in the M zones.
- 1201.2 Housing for mechanical equipment, stairway and elevator penthouses, may be erected to a height in excess of the maximum height authorized in an A zone subject to conditions specified in this section.
- 1201.3 Housing for mechanical equipment or a stairway or elevator penthouse shall not exceed eighteen feet six inches (18 ft. 6 in.) in height above the roof upon which it is located and shall be set back as follows:
- (a) In the M-31 zone (C-3-A/ARTS) no roof structure permitted by this title shall exceed a height of eighty-three and one-half feet (83 1/2 ft.) above the measuring point used for the building; and
 - (b) If the lot abuts either a Residence District or an alley that serves as the zone district boundary line of an adjacent Residence District, no part of

the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located fifty feet (50 ft.) directly above the property line that abuts the Residence District or the alley.

(c) In all other M zones:

- (1) A distance equal to its height from the front building façade;
- (2) A distance equal to half of its height from any side building wall that is not adjoining another building wall; and
- (3) No setback is required from any side building wall that is adjoining another building wall.

(d) All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.

(e) When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.

(f) Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in G § 1201.3 (f).

(g) When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in G §§ 1201.3(c) and 1201.3(e) except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.

1201.4 For purposes of applying roof structure setbacks, walls of buildings that border any courtyard other than closed courtyards shall be deemed to be exterior walls.

1201.5 Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than four tenth (0.40) shall be permitted.

1201.6 Mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.

1201.7 On building roofs, the following uses shall be permitted to utilize the roof structure floor area ratio of G §1201.5 not otherwise occupied by housing for mechanical equipment, stairway and elevator penthouses and subject to applicable setbacks and when not in conflict with the Height Act:

- (a) Penthouses for storage, showers, and lavatories incidental and accessory to roof swimming pools or communal recreation space located on that

roof;

(b) Other enclosed areas used for recreational uses accessory to communal rooftop recreation space; and

(c) Greenhouses used for roof top gardening.

- 1201.8 For purposes of this section, mechanical equipment shall not include telephone equipment, radio, television, or electronic equipment of a type not necessary to the operation of the building or structure.
- 1201.9 For purposes of this section, skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, and plumbing vent stacks shall not be considered as roof structures.
- 1201.10 Solar panels and related equipment may be placed on a roof in addition to the limitations of this section provided the panels or equipment shall be setback from the edge of a building a minimum distance equal to the mounted height of the equipment.
- 1201.11 Roof structures less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.
- 1201.12 In computing the floor area ratio of a roof structure, the aggregate square footage of all levels or floors contained within a roof structure measuring six and one-half feet (6 1/2 ft.) or more in height shall be included in the total floor area ratio permitted.
- 1201.13 Areas within curtain walls without a roof used where needed to give the appearance of one (1) structure shall not be counted in floor area ratio.
- 1201.14 Nothing in this section shall be interpreted to restrict vegetated roof materials or roof gardens.
- 1201.15 Relief to the requirements of this section may be granted by special exception subject to G § Chapter 13.

CHAPTER 13 RELIEF FROM DEVELOPMENT STANDARDS

1300 GENERAL PROVISIONS

- 1300.1 The Board of Zoning Adjustment may grant special exception relief to the development standards of this subtitle subject to any applicable conditions of this chapter.
- 1300.2 As set forth in this chapter, specific conditions or criteria may be applicable in the consideration of relief and shall be considered in combination with § 1200.4.
- 1300.3 Requested relief that does not comply with the applicable conditions or limitations of a special exception as set out in this chapter shall be processed as a variance.
- 1300.4 Special exception relief may be granted by the Board of Zoning Adjustment to the development standards and regulations of this subtitle where, in the judgment of the Board:
- (a) The special exception will be in harmony with the general purpose and intent of the A zone, the Zoning Regulations and Zoning Maps;
 - (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
 - (c) Subject in each case to any applicable conditions specified in this chapter.

1301 ROOF STRUCTURES

- 1301.1 The Board of Zoning Adjustment may grant special exception relief from the roof structure requirements of this subtitle subject to the following conditions:
- (a) Full compliance of the roof structure regulations would be unduly restrictive, prohibitively costly, or unreasonable because of operating difficulties, size of building lot, or other condition relating to the building or surrounding area; or
 - (b) Exceptions to the roof structure regulations would result in a less visible or otherwise more aesthetically compatible roof structure; and
 - (c) The purpose and intent of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent building shall not be affected adversely.
- 1301.2 The mechanical uses of the roof structures shall be given priority when considering any requested relief.

1302**REAR SETBACKS****1302.1**

The Board of Zoning Adjustment may waive rear setback requirements of this subtitle pursuant to Subtitle Y, Chapter 8; provided:

- (a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;
- (b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;
- (c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate setbacks;
- (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and
- (e) Upon receiving an application to waive rear setback requirements in the subject zone, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.

1303**SPECIAL EXCEPTIONS – M-28 (C-2-A/NO):****1303.1**

In consideration of a special exception in the M-28 zone, in addition to any other criteria of this title, the following conditions shall apply:

- (a) The Board shall consider whether the proposed development is compatible with the:
 - (1) Present and proposed development within and adjacent to the M-28 zone;
 - (2) Goals, objectives, and policies pertaining to Federal facilities, as found in the Comprehensive Plan and the Master Plans for the Federal facilities within the M-28 zone; and
 - (3) Role, mission, and functions of the Federal facilities within the M-28 zone, considering the effect that the proposed development would have on such facilities.

- (b) Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.
- (c) Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.
- (d) The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

CHAPTER 14 USE PERMISSIONS

1400 GENERAL USE PERMISSIONS FOR M ZONES

- 1400.1 This chapter contains use permissions, conditions, and exceptions specific to Mixed Use zones.
- 1400.2 Uses are permitted by right (P), by right with conditions (C), or as a special exception (S).
- 1400.3 A condition on a by right use may limit a use category to one or more specific uses, modify the characteristic(s) of a use, or limit a use to specific zones.
- 1400.4 Uses are permitted as either principal or accessory uses and some uses are permitted only as an accessory use (A).
- 1400.5 “Other Accessory Uses” shall be those that are customarily incidental and subordinate to the principal uses permitted in this chapter.
- 1400.6 Antennas in M zones shall be governed by C Chapter 25.
- 1400.7 Zone Groups for uses in the M zones are as follows:
- (a) Zone Group A shall apply to the M-1 (SP-1), M-2 (SP-2) M-16 (SP-1/DC), M-17 (SP-2/DC), and M-24 (SP-1/CAP) zones.
 - (b) Zone Group B shall apply to the M-11(W-0) zone.
 - (c) Zone Group C shall apply to the M-12 (W-1), M-13(W-2) and M-14(W-3) zones.
 - (d) Zone Group D shall apply to the M-3 (C-1) zone.
 - (e) Zone Group E shall apply to the M-4, M-5, M-6 (C-2/A/B/C); M-18, M-19, M-20 (C-2/A/B/C/ DC) M-25 (C-2-A/CAP), M-26 (C-2-A/CHC), M-27 (C-2-A/CAP/CHC), M-28 (C-2-A/NO), M-29 (C-2-A/ARTS), M-30 (C-2-B/ARTS), M-33 (C-2-A/RC) and M-34 (C-2-B/RC) zones.
 - (f) Zone Group F shall apply to the M-7, M-8, M-9 (C-3/A/B/C), M-21, M-22 (C-3/A/B/C/ DC), M-31 (C-3-A/ARTS), and M-35 (C-3-A/FT) zones.
 - (g) Zone Group G shall apply to the M-10 (CR), M-23 (CR/DC), M-32 (CR/ARTS), and M-36 (CR/FT) zones.
- 1400.8 When considering and approving a special exception under this subtitle, the Board may impose additional requirements pertaining to design, appearance, screening, or lighting, location of buildings, or soundproofing, hours of operation, or other requirements as the Board deems necessary to protect adjacent or nearby property.

1401 TO BE DELETED

1402 BY RIGHT USES – ZONE GROUP A

1402.1 The following uses shall be permitted:

(a) Uses permitted by right in any residential (R, RF, A) zone; and

Uses in the following table identified with a P or C: USES	M-1 (SP-1) M-16 (SP-1/DC)	M-2 (S P-2) M-17 (SP-2/DC) M-24 (SP-2/CAP)
Agriculture, Large	P	P
Agriculture, Residential	P	P
Arts Design and Creation	C	C
Daytime Care	P	P
Eating and Drinking	C	C
Education (Private)	P	P
Education (Public)	P	P
Emergency Shelter	C	C
Government, Local	P	P
Home Occupation	P	P
Institutional, General	P	P
Institutional, Religious	P	P
Medical Care	P	P
Office	C, S	C,S
Parks and Recreation	P	P
Residential	P	P
Retail	C	C, S
Service (General)	C	C
Transportation Infrastructure	P	P
Other Accessory Uses	P	P

1402.2 The following conditions shall be applicable to the By Right with Conditions (C) uses in the above table.

(a) Artist studio shall be permitted by right subject to the following conditions:

- (1) All operations and storage of materials shall occur inside the building;
- (2) Sales of art work produced by the occupants of the studio shall be permitted within the studio; and
- (3) The artist may teach the art to one or more persons.

- (b) Emergency Shelter Use for no more than four (4) persons, not including resident supervisors or staff and their families shall be permitted by right.
- (c) General office use, including chancery, shall be permitted by right as a replacement for office use authorized by a validly issued certificate of occupancy prior to January 29, 1999.
- (d) Retail and Service (General) uses shall be permitted as accessory uses and appropriate adjuncts to an apartment house or hotel, subject to the following conditions:
 - (1) The uses shall be oriented for the service and convenience of the tenants or guests of the building;
 - (2) There shall be no direct entrance to the commercial establishment from the outside of the building;
 - (3) There shall be no direct entrance to the commercial establishment from the outside of the building; and
 - (4) No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.

1403

SPECIAL EXCEPTION – ZONE GROUP A

1403.1

The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Y Chapter 8 and subject to the provisions of this section.

Uses	M-1 (SP-1) M-16 (SP-1/DC)	M-2 (SP-2) M-17 (SP-2/DC) M-24 (SP-2/CAP)
Chancery	S	S
Community-based Inst. Facility	S	S
Education (College/University)	S	S
Emergency Shelter	S	S
Institutional, Religious	P, S	P, S
Lodging	S	S
Office	C, S	C,S
Parking	S	S
Retail	C	S
Utilities	S	S

1403.2

The following conditions shall apply to the Special Exception (S) in the above table; :

- (a) Chancery use, subject to disapproval by the Board of Zoning Adjustment in accordance with Subtitle Y Chapter 10 of this title

- (b) Community-based institutional Facilities (CBIF) for one (1) to twenty (20) persons, not including resident supervisors or staff and their families subject to the following conditions:
 - (1) There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square;
 - (2) There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;
 - (3) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
 - (4) The proposed facility shall meet all applicable code and licensing requirements;
 - (5) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
 - (6) The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- (c) Education (College/University) uses subject to the conditions of Subtitle X, Chapter 1.
- (d) Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families subject to the conditions of CBIF above.
- (e) Lodging for any number of guests, subject to the following conditions:
 - (1) The height, bulk, and design of the lodging use shall be in harmony with existing uses and structures on neighboring property.
 - (2) To ensure that the height, bulk, and design is in harmony with existing uses and structures on neighboring property, the Board may require special treatment in the way of design, building setbacks, screening, landscaping, sign controls, and other features as it deems necessary to protect neighboring property.

- (3) The approval of the lodging use shall result in a balance of residential, office, and lodging uses in the applicable zones in the vicinity of the lodging use.
 - (4) The gross floor area devoted to function rooms and exhibit space shall not exceed fifteen percent (15%) of the gross floor area of the hotel.
 - (5) The lodging use shall be located within thirteen hundred feet (1,300 ft.) of the Central Employment Area or a Metrorail station as measured from the entrance of the lodging use closest to the main lobby and guest registration desk to the edge of the Central Employment Area or the entrance to the Metrorail station, following public rights-of-way.
 - (6) The Board may require more or less off-street parking spaces and loading berths than required by this title to accommodate the activities of the lodging use, so as to avoid unduly impacting parking or traffic on the surrounding streets.
 - (7) The location and design of driveways, access roads, and other circulation elements of the lodging use shall be located to avoid dangerous or other objectionable traffic conditions.
- (f) Parking garages, subject to the following conditions:
- (1) The use and all related facilities shall be located and designed so that they are not likely to become objectionable to adjoining and nearby property because of noise, traffic, or other objectionable conditions.
 - (2) The present character and future development of the neighborhood shall not be affected adversely by the use.
 - (3) The parking facility shall serve either residential uses or provide short-term parking for retail, service, and public facility uses, but shall not provide all-day commuter parking.
 - (4) The parking provided shall be within eight hundred feet (800 ft.) of the use to be served, and shall be necessary to that use.
- (g) Parking, as an accessory use located elsewhere than on the same lot on which the principal use, subject to the following conditions:
- (1) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use.

- (2) It shall be considered economically impracticable or unsafe to locate the parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:
 - i. Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;
 - ii. Unusual topography, grades, shape, size, or dimensions of the lot;
 - iii. The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or
 - iv. Traffic hazards caused by unusual street grades or other conditions; and
 - (3) The parking spaces shall be located and all facilities in relation to the parking spaces shall be designed so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.
- (h) Office Use: Construction of a new office building or construction of an addition to a building for office use, or conversion of an existing building to office use, shall be permitted subject to the following conditions:
 - (1) The use, height, bulk, and design shall be in harmony with existing uses and structures on neighboring property; and
 - (2) The use shall not create dangerous or other objectionable traffic conditions.
- (i) Retail and Service (General) Uses subject to the following conditions:
 - (1) The properties are those located south of M Street, N.W. and N.E.;
 - (2) The uses shall be located on or below the ground floor of the building;
 - (3) The uses shall not include a drive-through; and
 - (4) The uses shall be located and designed such that they are not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions.
- (j) Utility uses, subject to the following conditions:
 - (1) A use is determined necessary in the public interest by the Public Service Commission.

- (2) A use as an optical transmission node (OTN) shall be permitted subject to the following:
 - i. Any new construction of a freestanding structure used primarily for the purpose of housing an optical transmission node shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping; and
 - ii. There shall be no advertisement on the structure.
- (3) Any construction necessary for the utility or OTN shall be subject to requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.

1404 TO BE DELETED

1404.1 This Zone Group shall apply to the following zones: M-11 zone.

1405 BY RIGHT USES – ZONE GROUP B

1405.1 Within the M-11 zone, the following Marine uses shall be permitted as a matter of right:

- (a) Boat construction on an occasional basis by a local community organization;
- (b) Community garden operated by a local community organization or District government agency;
- (c) Publicly-accessible park or open space, playground, or athletic field, including pedestrian and bicycle trails, necessary support facilities, and fitness circuits;
- (d) Public nature education or interpretive center including a boat dock;
- (e) Seasonal or occasional market for produce, arts, and crafts, with non-permanent structures; and
- (f) Floating homes within a permitted marina or yacht club provided that the maximum density of floating home berths shall not exceed fifty percent (50%) of the total number of berths in the marina or yacht club.
- (g) A home occupation within a floating home.

1406**SPECIAL EXCEPTION USES – ZONE GROUP B**

1406.1 The following uses shall be permitted in the M-11 if approved by the Board of Zoning Adjustment as a special exception under Y Chapter 8, subject to the criteria of C § 2302.1 (g) and the following provisions:

- (a) Boathouse, subject to the following conditions:
 - (1) A boathouse may include rest rooms, showers, locker rooms, kitchen, exercise area, boat storage and maintenance, coach's office, one caretaker's residence pursuant to § 1406.3 (f), rowing tank, dock, and related functions; and One or more motorized safety launches for coaches are allowed for supervision of rowing practice and water safety.
 - (2) A demonstration that the boathouse and associated structures:
 - (3) Will be designed to enhance the visual and recreational opportunities offered along the waterfront;
 - (4) Will not result in the filling of normally submerged areas, and will minimize excavation to that reasonably required for a facility that is principally above-grade; and
 - (5) Will be located so as not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking
 - (6) Off-street parking spaces shall be provided in the amount and manner specified in Subtitle C.
- (b) A Marina, which may also include as accessory uses the following:
 - (1) An office for the operation of the marina;
 - (2) Boat launching;
 - (3) The sale of marine fuels;
 - (4) Minor repairs and maintenance to boats and marine engines;
 - (5) The rental of boats; and
 - (6) Retail sales of supplies and services for small pleasure and commercial vessels.
- (c) Off-street parking spaces shall be provided in the amount and manner specified in Subtitle C.

(d) Yacht Club

- (1) In addition to demonstrating that the yacht club meets the criteria for special exceptions set forth in §§ 927 and 3104 of this Title, the applicant shall further demonstrate that the yacht club and associated facilities:
 - iii. Will be primarily for the use of the members of the yacht club, except that the yacht club may provide transient berths;
 - iv. Will be located so as not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking; and
 - v. Will not result in the filling of normally submerged areas and will minimize excavation to that reasonably required for a facility that is principally above-grade.

(e) Floating homes within a permitted marina or yacht club with a proposed maximum density of floating home berths in excess of fifty percent (50%) of the total number of berths in the marina or yacht club.

(f) Caretakers Residence

- (1) The caretaker's residence shall be located within the principal building and exclusively for the use of the facility's caretaker and immediate family.
- (2) If the caretaker's residence is larger than 1,200 square feet, it shall occupy no more than 20% of the total area of the principal building.

(g) General Retail and Arts, Design and Creations and Entertainment, Assembly and Performing Arts uses.

(h) Parking, for uses within this chapter that are located elsewhere than on the lot on which the use is located.

- (1) The parking spaces will be located to furnish reasonable and convenient parking for patrons of the principal building;
- (2) Any support facility in relation to the parking spaces is designed so as not likely to become objectionable to adjoining or nearby property, park space, or the waterfront because of noise, traffic, or other objectionable conditions;

- (3) The parking spaces will be adequately screened from adjacent park space and from the waterfront, and shall be designed to prevent storm water run-off directly into the river.

1406.2 With respect to any special exception use under consideration, the Commission may authorize the following if the applicant is able to demonstrate that application of normally applied zoning regulations would result in an infeasible project and would hinder furtherance of the objectives of the Waterfront areas:

- (a) An increase of not more than five percent (5%) in the maximum lot occupancy, height, or floor area ratio as otherwise prescribed in this Title. The Commission shall have the option to approve a greater increase if the subject property is surrounded by National Park Service lands; or
- (b) A reduction of not more than five percent (5%) of the minimum yard or courtyard requirements as otherwise prescribed in this Title. The Commission shall have the option to approve a greater decrease if the subject property is surrounded by National Park Service lands.

1406.3 An applicant for a special exception shall provide the following information

- (a) A survey plan showing:
 - (1) Existing vertical contours at two-foot intervals;
 - (2) The 100-year floodplain and all existing streams, wetlands, and bodies of water, as well as general drainage patterns with arrows indicating the directions of major drainage flow;
 - (3) Existing vegetation, including a listing of most abundant species; and
 - (4) All existing disturbed areas, including the locations of utilities, paved areas, streets, culverts, storm water management systems, and bridges
 - (5) The proposed location, height, bulk, and design of all improvements, including buildings, structures, pedestrian and vehicular access, parking, piers and wharves, berths, utilities, paved areas, culverts, storm water management, and bridges;
 - (6) Suitable open space treatment of a waterfront setback area, for uses such as walkway, bikeway, passive or active recreation; and including provisions assuring private maintenance of the space, convenient and public access to the space, and suitable connections to adjacent public space along the waterfront;

- (7) Proposed grading, including a calculation of the amount of cutting from and filling to natural grade;
- (8) Proposed landscaping, including riverbank treatment/restoration; and
- (9) The location and design of fencing, gates, screening, exterior lighting, and signage
- (10) The location and design of parking spaces, access driveways, and other impervious surface landscaping;
- (11) The location and design of emergency vehicle access to all buildings, structures, and active public spaces;
- (12) For boathouse, marina, and yacht club facilities, a parking management plan for special events (such as regattas); and
- (13) A description of activities proposed to be conducted at the site.

1407

TO BE DELETED

1408

BY RIGHT USES – ZONE GROUP C

1408.1

The following uses shall be permitted By Right (P) or By Right with Conditions (C):

Uses	M-12 (W-1)	M-13 (W-2)	M-14 (W-3)
Antennas	P	P	P
Agriculture, Large	P	P	P
Agriculture, Residential	P	P	P
Arts Design and Creation	P	P	P
Art Gallery	P	P	P
Artist Studio and Live Work	P	P	P
Museum	P	P	P
Chancery	P	P	P
Daytime Care	P	P	P
Eating and Drinking	C	C	C
Education (Public)	P	P	P
Emergency Shelter	C	C	C
Entertainment Assembly, and Perf Arts	C S	C S	C S
Government, Local	C	P	P
Home Occupation	P	P	P
Institutional, General	P	P	P
Institutional, Religious	P	P	P
Lodging	P	P	P

Uses	M-12 (W-1)	M-13 (W-2)	M-14 (W-3)
Marine	P	P	P
Medical Care - Hospice	P	P	P
Office	P	P	P
Parks and Recreation	P	P	P
Residential	P	P	P
Retail	P	P	P
Service (Financial)	P	P	P
Service (General)	P	P	P
Other Accessory Uses	A	A	A

1408.2 The following conditions shall apply to the By Right with Conditions (C) uses in the above table.

- (a) Eating and Drinking Establishment Uses: All uses shall be permitted by right except a drive-through operation shall not be permitted.
- (b) Emergency Shelter Use for no more than four (4) persons, not including resident supervisors or staff and their families shall be permitted by right.
- (c) Entertainment, Assembly, and Performing Arts uses shall be permitted by right provided the use is a private or public theater.
- (d) Government (Local) uses: A Driver's License Road test Facility shall only be permitted in the M 12 and M-13 zones.

1409 SPECIAL EXCEPTION USES – ZONE GROUP C

1409.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Y Chapter 8, subject to the provisions of this section:

Uses	M-12 (W-1)	M-13 (W-2)	M-14 (W-3)
Animal Care and Boarding	S	S	S
Community-based Inst. Facility	S	S	S
Education (College/University)	S	S	S
Education (Private)	S	S	S
Emergency Shelter	S	S	S
Entertainment Assembly, and Perf Arts	S	S	S
Medical Care	S	S	S
PDR	S	S	S
Utilities	S	S	S
Miscellaneous	S	S	S

The following conditions shall apply to the Special Exception (S) uses in the above table:

- (a) Animal Care and Boarding Uses subject to the following conditions:
 - (1) The use is a veterinary office or hospital subject to the following conditions:
 - i. A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1), except domesticated dogs;
 - ii. No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
 - iii. The veterinary hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - iv. The veterinary hospital shall not abut an existing residential use or a residential zone;
 - v. External yards or other external facilities for the keeping of animals shall not be permitted; and
 - vi. Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.
- (b) Community-based Institutional Facilities for one (1) to twenty (20) persons, not including resident supervisors or staff and their families;
- (c) Education (College/University) uses subject to the conditions of Subtitle X, Chapter 1;
- (d) Education (Private) uses subject to the following conditions:
 - (1) The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront.
 - (2) The use shall be designed and located so that it is not likely to become objectionable because of noise, traffic, number of students, or other conditions.
- (e) Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families.

- (f) Entertainment, Assembly, and Performing Arts uses subject to the following conditions:
- (1) The use shall not be within twenty-five feet (25 ft.) of a residential zone unless separated by a public street or public alley; and
 - (2) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.
- (g) Medical Care Uses subject to the following conditions:
- (1) The facility shall be designed to enhance the visual and recreational opportunities offered by the waterfront.
 - (2) The facility shall be located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking.
 - (3) There shall be a demonstrated need for the facility.
 - (4) The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities which shall include:
 - i. Location, height, and bulk of all improvements, but not limited to buildings, parking, and loading facilities;
 - ii. Screening, signs, and public utility facilities; and
 - iii. A description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.
- (h) Production, Distribution and Repair Uses, subject to the following conditions:
- (1) The facility shall be designed to enhance the visual and recreational opportunities offered by the waterfront.
 - (2) The use shall comply with the standards of external effects and shall have no adverse effects on other uses on the same or adjoining properties.
 - (3) The use shall not result in dangerous or otherwise objectionable traffic conditions.
 - (4) There shall be adequate off-street parking for trucks and other service vehicles.
 - (5) There shall be no outdoor storage of materials.

- (i) Utility uses, subject to the following conditions:
 - (1) A basic utility use;
 - (2) A use as an optical transmission node (OTN) shall be permitted subject to the following:
 - i. Any new construction of a freestanding structure used primarily for the purpose of housing an OTN shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping; and
 - ii. There shall be no advertisement on the structure.
 - (3) Any construction necessary for the utility or OTN shall be subject to requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.
- (j) Miscellaneous uses, subject to the following conditions:
 - (1) The board finds that the use is appropriate in furthering the objectives of the waterfront areas;
 - (2) The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront;
 - (3) The use shall not adversely affect the present character or future development of the neighborhood; and
 - (4) No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use.

1410 TO BE DELETED

1411 BY RIGHT USES - ZONE GROUP D

1411.1 The following uses shall be permitted By Right (P) or By Right with Conditions (C):

Uses	M-3 (C-1)
Medical Care	P
Agriculture, Large	P
Agriculture, Residential	P
Arts Design and Creation	P
Chancery	P
Daytime Care for 5 or fewer + staff	C

Uses	M-3 (C-1)
Eating and Drinking Establishment	C
Education (Private)	P
Education (Public)	P
Emergency Shelter	C
Entertainment Assembly, and Perf Arts	C
Government, Local	P
Home Occupation	P
Institutional, General	P
Institutional, Religious	P
Lodging	P
Medical Care	P
Motor Vehicle Gas Sales	C/S
Office	P
Parking	P
Parks and Recreation	P
Residential	P
Retail	P
Service (Financial)	P
Service (General)	C/S
Transportation Infrastructure	P
Utilities	C/S
Other Accessory Uses	A

1411.2 The following conditions shall apply to the By Right with Conditions (C) uses in the above table:

- (a) Daytime Care Uses shall be permitted by right for no more than 5 persons not including resident supervisors or staff and their families.
- (b) Eating and Drinking Establishment uses shall be permitted by right, except for:
 - (1) A fast food establishment, a drive-through or drive-in operation and a food delivery business shall not be permitted;
 - (2) A Prepared food shop with no limitation on seats shall apply to a prepared food shop in Square 5912.
 - (3) A fast food establishment with no drive-through shall be permitted in Square 5912, Square 3499 (Lot 3), and Square 3664 (Lot 820) by right.

- (c) Emergency Shelter Use for no more than four (4) persons, not including resident supervisors or staff and their families shall be permitted by right..
- (d) Entertainment, Assembly, and Performing Arts uses shall be permitted by right except for a bowling alley.
- (e) Motor Vehicle Uses shall be permitted by right subject to the following conditions:
 - (1) A Gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy;
 - (2) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:
 - i. All portions of the gasoline service station shall be located entirely within the garage;
 - ii. No part of the accessory use shall be visible from a sidewalk; and
 - iii. Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage.
- (f) Service (General) uses shall be permitted by right subject to the following conditions:
 - (1) The use does not involve installation of automobile accessories; and
 - (2) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area.
- (g) Utility uses limited to optical transmission nodes shall be permitted by right.

1412

SPECIAL EXCEPTION USES - ZONE GROUP D (C-1)

1412.1

The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Y Chapter 8, subject to the provisions of this section.

Uses	M-3 (C-1)
Animal Care and Boarding	S
Community-based Inst. Facility	S
Daytime Care - 6 or more	S
Education (College/University)	S

Uses	M-3 (C-1)
Eating and Drinking Establishment	S
Motor Vehicle - Gas Sales	C/S
Parking	C
Retail	C/S
Service (General)	C/S
Utilities	C/S

1412.2

The following conditions shall apply to the Special Exception (S) uses in the above table:

- (a) Animal Care and Boarding Uses subject to the following conditions:
 - (1) The use is a veterinary office or hospital subject to the following conditions:
 - iv. A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h) (1), except domesticated dogs;
 - v. No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals;
 - vi. The veterinary hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - vii. The veterinary hospital shall not abut an existing residential use or a residential zone;
 - viii. External yards or other external facilities for the keeping of animals shall not be permitted;
 - ix. Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
 - (2) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties;
- (b) Community-based Institutional Facilities: Uses for one to twenty (20) persons, not including resident supervisors or staff and their families;
- (c) Daytime Care Uses: Uses for up to fifteen (15) persons not including resident supervisors or staff and their families.

- (d) Eating and Drinking Establishment uses that are a Prepared Food Shop with more than eighteen seats for patrons.
- (e) Education (College/University) Uses: Uses subject to the conditions of X Chapter 1.
- (f) Emergency Shelter Uses: Uses for up to fifteen (15) persons, not including resident supervisors or staff and their families subject to the following conditions:
 - (1) There shall be no other property containing an Emergency Shelter for seven (7) or more persons in the same square, or within a radius of five hundred feet (500 ft.) from any portion of the property.
 - (2) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
 - (3) The proposed shelter shall meet all applicable code and licensing requirements.
 - (4) The shelter shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
 - (5) The Board may approve more than one (1) Emergency Shelter facility in a square or within five hundred feet (500 ft.) from the property only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- (g) Entertainment, Assembly, and Performing Arts Uses: A bowling alley subject to the following conditions:
 - (1) The use shall not be within twenty-five feet (25 ft.) of a residential zone unless separated by a street or alley.
 - (2) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.
- (h) Motor Vehicle uses subject to the following conditions:
 - (1) The use is a gasoline service station to be established or enlarged, subject to the following conditions:
 - (2) The station shall not be located within twenty-five feet (25 ft.) of a residential zone unless separated from the residential zone by a street or alley.

- (3) The operation of the use shall not create dangerous or other objectionable traffic conditions.
- (4) Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.
- (i) Parking Uses subject to the following conditions:
 - (1) The parking spaces are accessory spaces elsewhere than on the same lot or part of a lot on which the principal use is permitted,
 - (2) The parking spaces will be established within the square in which the principal use is located.
- (j) Retail uses otherwise permitted with conditions that do not comply with the conditions.
- (k) Service uses otherwise permitted with conditions that do not comply with the conditions.
- (l) Utilities uses subject to the requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.

1413 TO BE DELETED

1413.1 In addition to the permission and restrictions of this section, the Arts Uses and Use Group requirements of C Chapter 24, Preferred Arts Uses and Credits, shall apply to the M-29 and M-30 zones.

1414 BY RIGHT USES - ZONE GROUP E (C-2-A/B/C) ZONES

- 1414.1 The following uses shall be permitted By Right (P) or By Right with Conditions (C):
- (a) Uses permitted by right in any R, RF, A, or M-3 zone;
 - (b) In the M-29 and M-30 zones, uses identified as Preferred Arts Uses in Subtitle C, Chapter 24 shall be permitted; and
 - (c) Uses in the following table identified with a P or C:

Uses	M-4, M-18 M-25, M-26 M-27, M-28 M-29 (C-2-A)	M-5, M-6 M-19, M-20 M-30 (C-2-B/C)	M-33 and M-34
Animal Care and Boarding	C, S	C, S	C, S
Agriculture, Large	P	P	P
Agriculture, Residential	P	P	P
Arts Design and Creation	P	P	P
Chancery	P	P	P
Community-based Inst. Facility	S	S	S
Daytime Care	C, S	C, S	C, S
Eating and Drinking	C, S	C, S	-
Education (College/University)	-	P	C, S
Education (Private)	P	P	P
Education (Public)	P	P	P
Emergency Shelter	C, S	C, S	C, S
Entertainment Assembly, and Perf Arts	P	P	-
Firearms	C	C	-
Government, Local	P	P	P
Home Occupation	P	P	P
Institutional, General	P	P	P
Institutional, Religious	P	P	P
Lodging	P	P	-
Medical Care	P	P	P
Motor Vehicle	C, S	C, S	-
Office	P	P	P
Parks and Recreation	P	P	P
Residential	P	P	C, S
Retail	P	P	C, S
Service (Financial)	P	P	P
Service (General)	P	P	C, S
Transportation Infrastructure	P	P	C, S
Utilities	C, S	C, S	C, S
Other Accessory Uses	A	A	A

(d) A drive-through accessory to any permitted use shall not be permitted.

1414.2

The following conditions shall apply to the By Right with Conditions (C) uses in the above table

(a) Eating and Drinking Establishment uses shall be permitted in other than the M-33 and M-34 zones subject to the following conditions:

- (1) In the M-4, M-25 and M-27 zone a fast food establishment, a drive-through, drive-in operation or food delivery business shall not be permitted.
- (2) In other than the M-4 zones a fast food establishment or food delivery business shall be subject to the following conditions:
 1. No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a residential zone, unless separated therefrom by a street or alley;
 2. If any lot line of the lot abuts an alley containing a zone district boundary line for a residential zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line;
 3. Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a residential zone; and
 4. The use shall not include a drive-through.
 5. Subparagraphs (1) and (2) shall not apply to a fast food establishment located in Square 5912.
- (b) Daytime Care Uses for up to twenty (20) persons not including resident supervisors or staff and their families.
- (c) Emergency Shelter Use for no more than four (4) persons, not including resident supervisors or staff and their families shall be permitted by right.
- (d) Firearms retail sales establishments subject to the following conditions:
 - (1) No portion of the establishment shall be located within three hundred feet (300 ft.) of:
 - (2) A residential zone or the M-1 or M-2 zone; or
 - (3) A church or other place of worship, public or private school, public library, or playground.
- (e) Motor Vehicle Uses, in other than the M-4, M-25, M-27, M-33 and M-34 zones, shall be limited to following and subject to the corresponding conditions:

- (1) A Gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy
 - (2) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:
 - i. All portions of the gasoline service station shall be located entirely within the garage;
 - ii. No part of the accessory use shall be visible from a sidewalk; and
 - iii. Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage.
- (f) Retail uses shall be permitted subject to the following conditions:
- (1) In the M-4, M-25, M-27, M-33 and M-34 zones, uses involving the installation of automobile accessories shall not be permitted;
 - (2) In the M-33 and M-34 zones, uses involving the sale of boats, marine items, cars, motorcycles or other motor vehicles, or off-premise alcoholic beverages shall not be permitted; and
 - (3) The off-premises beer and wine sales accessory use in the grocery store located in Square 2572, Lot 36 may continue provided that it shall not occupy more than 2,078 square feet of the store's gross floor area.
- (g) Service (General) uses shall be permitted by right subject to the following conditions:
- (1) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area; and
 - (2) In the M-33 and M-34 zones, a funeral parlor, mortuary or similar establishment, a parcel delivery service, or any on-site dry cleaning establishments shall not be permitted.
- (h) Utility uses limited to optical transmission nodes shall be permitted by right.
- (i) Notwithstanding G § 1414.1, the Zoning Commission may approve a planned unit development that permits a hotel use integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, and within such hotel, but only within the First Church Christ Scientist building, permit a restaurant and bar use;

provided that the Zoning Commission may also permit food and alcohol to be served in the enclosed pool, the meeting rooms, the guestrooms, and the rooftop area located in the proposed addition to the First Church Christ Scientist building/or so long as such addition and the First Church Christ Scientist building are being operated together as a hotel.

1415 SPECIAL EXCEPTION USES – ZONE GROUP E

1415.1 The following uses shall be permitted in Zone Group E if approved by the Board of Zoning Adjustment as a special exception under Y Chapter 8, subject to the provisions of this section.

Uses	M-4, M-18 M-25, M-26 M-27, M-28 M-29 (C-2-A)	M-5, M-6 M-19, M-20 M-30 (C-2-B/C)	M-33 and M-34
Animal Care and Boarding	S	S	S
Daytime Care	S	S	S
Eating and Drinking	S	S	-
Education (College/University)	S	-	S
Emergency Shelter	S	S	S
Entertainment Assembly, and Perf Arts	S	S	-
Firearms	S	S	-
Motor Vehicle	S	S	-
Parking	S	S	S
Utilities	S	S	S

1415.2 The following conditions shall apply to the Special Exception (S) uses in the above table:

- (a) Any use that does not comply with the conditions of G §1414 may apply for permission by special exception.
- (b) Animal Care and Boarding Uses, subject to the following conditions:
 - (1) The use shall not abut an existing residential use or a residential zone;
 - (2) The use shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste; and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;
 - (3) External yards or other external facilities for the keeping of animals shall not be permitted except that an Animal Shelter may have external yards or other external facilities for the keeping of

animals which shall be entirely located a minimum of two hundred (200) feet from an existing residential use or residential zone; and

- (4) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system.
- (c) Community-based Institutional Facilities for up to twenty (20) persons, not including resident supervisors or staff and their families;
- (d) Daytime Care Uses for more than six (6) persons not including resident supervisors or staff and their families.
- (e) Eating and Drinking Establishments only in the M-5, M-6, M-19 and M-30 zones, that are either Fast food Establishments or Food Delivery Businesses subject to the following conditions:
 - (1) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a residential zone unless separated therefrom by a street or alley.
 - (2) If any lot line of the lot abuts an alley containing a zone district boundary line for a residential zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.
 - (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a residential zone.
 - (4) The use shall not include a drive-through.
 - (5) There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a residential zone.
 - (6) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions
- (f) Emergency shelter: for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families

- (g) Education (College/University) uses in the M-4 and M-33 zones subject to the conditions of X Chapter 1;
- (h) Motor Vehicle uses:
 - (1) A gasoline service station to be established or enlarged, subject to the following conditions:
 - i. The station shall not be located within twenty-five feet (25 ft.) of a residential zone unless separated from the residential zone by a street or alley.
 - ii. The operation of the use shall not create dangerous or other objectionable traffic conditions.
 - iii. Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.
 - (2) Motorcycle sales and repair uses wholly located within a building no portion of a which shall be located within fifty feet (50 ft.) of a residential zone or the M-1, M-2, M-16, M-17, or M-24 zones.
- (i) Parking Uses: Accessory parking spaces elsewhere than on the same lot or part of a lot on which the principal use is permitted
- (j) In the M-33 and M-34 zones, a parking lot or garage shall be permitted by special exception subject to the following:
 - (1) The parking lot or garage shall not be within twenty-five feet (25 ft.) of a residential zones, unless separated by a street or alley
 - (2) The parking lot or garage shall meet the conditions for accessory parking specified in C §§ 1912 through 1915.;
 - (3) The parking lot or garage and any associated noise, shall not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area; and
 - (4) The Board may require that all or a portion of the parking spaces be reserved for the following:
 - i. Residential parking;

- ii. Unrestricted commercial parking;
 - iii. Accessory parking for uses within eight hundred feet (800 ft.); and
 - iv. Shared parking for different uses by time of day.
- (k) Service uses:
- (1) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area.
 - (2) Massage Establishment provided the use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.
- (l) Utilities, not otherwise permitted by right, subject to the requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.

1416 TO BE DELETED

1416.1 In addition to the permission and restrictions of this section, the Arts Uses and Use Group requirements of Subtitle C, Chapter 24, Preferred Arts Uses and Credits, shall apply to the M-31 zone.

1417 BY RIGHT USES- ZONE GROUP F (C-3)

1417.1 The following uses shall be permitted By Right (P) or By Right with Conditions (C):

- (a) Uses permitted by right in any R, RF, A, or Use Groups C-1/C-2;
- (b) In the M-31 zone uses identified as Preferred Arts Uses in Subtitle C, Chapter 24 shall be permitted, and
- (c) Uses in the following table identified with a P or C:

Uses	M-7, M-8, M-9 M-21, M-22 M-31, M-35 (C-3)
Animal Care and Boarding	C, S
Agriculture, Large	P
Agriculture, Residential	P
Arts Design and Creation	P
Chancery	P
Daytime Care	P
Eating and Drinking	C, S

Uses	M-7, M-8, M-9 M-21, M-22 M-31, M-35 (C-3)
Education (College/University)	P
Education (Private)	P
Education (Public)	P
Emergency Shelter	P
Entertainment Assembly, and Perf Arts	P
Firearms	C
Government, Local	P
Home Occupation	P
Institutional, General	P
Institutional, Religious	P
Lodging	P
Medical Care	P
Motor Vehicle	C, S
Office	P
Parking	S
Parks and Recreation	P
Residential	P
Retail	P
Service (Financial)	P
Service (General)	C, S
Transportation Infrastructure	P
Utilities	C, S
Other Accessory Uses	A

1417.2 The following conditions shall be applicable to the uses or use categories as indicated by a “C” in the above table.

- (a) Eating and Drinking Establishment uses: All uses shall be permitted by right, except the following specific uses shall be subject to the corresponding conditions:
 - (1) In the M-7 (C-3-A) M-31(C-3-A /ARTS), M-35 (C-3-A/FT) zones no part of a lot on which fast food establishment or food delivery business is located shall be within twenty-five feet (25 ft.) of a residential zone, unless separated therefrom by a street or alley;
 - (2) A drive-through accessory to a fast food establishment shall be permitted, subject to the provisions for drive-through in Subtitle C.

- (b) Firearms retail sales establishments subject to the following conditions:
 - (1) No portion of the establishment shall be located within three hundred feet (300 ft.) of:
 - (2) A residential zone or the M-1, M-2, M-16, M-17 or M-24 zone; or
 - (3) A church or other place of worship, public or private school, public library, or playground.
- (c) Motor Vehicle Uses: All uses shall be permitted by right, except the following specific uses shall be subject to the corresponding conditions:
 - (1) A Gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy;
 - (2) A Gasoline service station as an accessory use to a parking garage or public storage garage; provided:
 - 1. All portions of the gasoline service station shall be located entirely within the garage;
 - 2. No part of the accessory use shall be visible from a sidewalk; and
 - 3. Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage.
 - (3) Motorcycle sales and repair uses wholly located within a building no portion of which shall be located within fifty feet (50 ft.) of a residential zone or the M-1, M-2, M-16, M-17, or M-24 zones.
- (d) Parking Uses: All parking uses shall be permitted by right, except Accessory parking spaces elsewhere than on the same lot or part of a lot on which the principal use is permitted.
- (e) Retail Uses: All uses except the installation of automobile accessories shall not be permitted in the M-4, M-25 and M-27 zones.
- (f) Service (General) uses: All uses shall be permitted by right, except the following specific uses shall be subject to the corresponding conditions:
 - (1) A laundry or dry cleaning facility shall not exceed five thousand square feet (5,000 sq. ft.) of gross floor area;
 - (2) Any establishment that has as a principal use the administration of massages, only in M-9 (C-3-C), M-22 (C-3-C/DC) zones;

provided, that no portion of the establishment shall be located within two hundred feet (200 ft.) of a residential zone.

(g) Utility Uses: All uses shall be permitted by right, except the following specific uses shall be subject to the corresponding conditions:

(1) An Electronic Equipment Facility (EEF) use may also locate without restriction below the ground floor but shall occupy no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building.

1418 SPECIAL EXCEPTION USES – ZONE GROUP F (C-3)

1418.1 The following uses shall be permitted in the Zone Group F if approved by the Board of Zoning Adjustment as a special exception under Y Chapter 8 and subject to the provisions of this section.

Uses	M-7, M-8, M-9 M-21, M-22 M-31, M-35 (C-3)
Animal Care and Boarding	S
Daytime Care	S
Eating and Drinking	S
Firearms	S
Motor Vehicle	S
Parking	S
Service	S
Sexually Oriented Business	S
Utilities	S

1418.2 The following conditions shall apply to the Special Exception (S) uses in the above table:

- (a) Community-based Institutional Facilities: Uses for up to twenty (20) persons, not including resident supervisors or staff and their families;
- (b) Daytime Care Uses for more than six (6) persons not including resident supervisors or staff and their families.
- (c) Eating and Drinking Establishments in the M-7 (C-3-A) M-31(C-3-A /ARTS), M-35 (C-3-A/FT) zones:
 - (1) Fast Food Establishments or Food Delivery Businesses subject to the following conditions:

- i. No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a residential zone unless separated therefrom by a street or alley;
 - ii. Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a residential zone;
 - iii. The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;
 - iv. The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions;
 - v. There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site; and
 - vi. There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a residential zone.
- (d) Motor Vehicle Uses: The following uses shall be permitted by special exception subject to the corresponding conditions:
- (1) Uses otherwise permitted by right with conditions that do not comply with the conditions.
 - (2) A gasoline service station or vehicle repair garage, to be established or enlarged, subject to the following conditions:
 - i. The station shall not be located within twenty-five feet (25 ft.) of a residential zone unless separated from the residential zone by a street or alley.
 - ii. The operation of the use shall not create dangerous or other objectionable traffic conditions.
 - iii. Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to

permit the parking and removal of any vehicles without moving any other vehicle onto public space.

- (3) Motorcycle sales and repair uses wholly located within a building no portion of which shall be located within fifty feet (50 ft.) of a residential zone or the M-7, M-8, M-21, or M-22 zones.
- (e) Parking Uses: Accessory parking spaces elsewhere than on the same lot or part of a lot on which the principal use is permitted,
- (f) Service uses:
 - (1) Use otherwise permitted with conditions that do not comply with the conditions.
 - (2) Any establishment that has as a principal use the administration of massages may locate within two hundred feet (200 ft.) of any residential zone, if the establishment shall be compatible with other uses in the area, shall not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.
- (g) Sexually-oriented Business Establishment (SOBE): A SOBE use subject to the corresponding conditions:
 - (1) No portion of the establishment shall be located within six hundred feet (600 ft.) of a residential zone or M-1, M-2, M-16, M-17 or M-24 zones.
 - (2) No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, playground, or the area under the jurisdiction of the Commission of Fine Arts pursuant to the Shipstead-Luce Act, approved May 16, 1930 (46 Stat. 366, as amended; D.C. Official Code § 6-611.01 (formerly codified at D.C. Code § 5-410 (1994 Repl.))).
 - (3) No portion of the establishment shall be located within three hundred feet (300 ft.) of any other sexually-oriented business establishment.
 - (4) There shall be no display of goods or services visible from the exterior of the premises.
 - (5) The establishment shall be compatible with other uses in the area.
 - (6) The use shall not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.

- (7) The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area.

(h) Utilities Uses:

- (1) An EEF shall not occupy more than fifty percent (50%) of the constructed gross floor area of the building,
- (2) An applicant seeking a special exception for an EEF shall demonstrate, in addition to the requirements of Subtitle Y, Chapter 8, that the proposed use will not, as a consequence of its design, operation, low employee presence, or proximity to other EEFs, inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.
- (3) In evaluating whether an EEF will have any of the adverse impacts described above, the Board shall consider, in addition to other relevant factors, the:
 - i. Absence of retail uses or a design capable of accommodating retail uses in the future;
 - ii. Presence of security or other elements in the design that could impair street life and pedestrian flow;
 - iii. Disruption of existing or elimination of officially proposed pedestrian or vehicular routes; and
 - iv. Inability of the EEF to be adapted in the future for permitted uses.
 - v. The Board, in weighing the potentially adverse factors listed above, shall consider the economic development potential of the area in which the EEF is proposed to be established and shall give greater negative weight to these factors if the EEF is to be located in proximity to an existing or proposed Metrorail station or along a pedestrian corridor.
 - vi. The Board may give positive weight to any economic benefits that the proposed EEF will have on adjacent properties, including the potential for increased business activity within the neighborhood, if that activity will foster economic development.
 - vii. The Board may impose requirements pertaining to design, appearance, landscaping, parking, and other such

requirements as it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life.

- (i) Uses not otherwise permitted by right, subject to the requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.

1419 TO BE DELETED

1420 BY RIGHT USES – ZONE GROUP G (CR)

1420.1 The following uses shall be permitted By Right (P) or By Right with Conditions (C):

- (a) In the M-32 zone uses identified as Preferred Arts Uses in Subtitle C, Chapter 24 shall be permitted, and
- (b) Uses in the following table identified with a P or C:

Uses	M-10, M-23 M-32, M-36 (CR)
Agriculture, Large	P
Agriculture, Residential	P
Arts, Design and Creation	P
Chancery	P
Daytime Care	P
Eating and Drinking Establishments	C
Education (Private)	P
Education (Public)	P
Emergency Shelter	C, S
Home Occupation	P
Institutional, General	P
Institutional, Religious	P
Lodging	P
Office	P
Parks and Recreation	P
Residential	P
Retail	P
Service (Financial)	P
Service (General)	C
Transportation Infrastructure	P
Utilities	C, S
Other Accessory Uses	A

1420.2 The following conditions shall apply to the By Right with Conditions (C) uses in the above table

- (a) Eating and Drinking Establishment Uses: All uses shall be permitted by right except a drive-through shall not be permitted.
- (b) Emergency Shelter Use for no more than four (4) persons, not including resident supervisors or staff and their families, shall be permitted by right.
- (c) Service (General) Uses: All uses shall be permitted by right, except a sexually-oriented business establishment or any establishment that has as a principal use the administration of massages shall not be permitted.
- (d) Utility uses: Only an Electronic Equipment Facility (EEF) use under either or both of the following circumstances:
 - (1) The EEF use occupies no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building, provided that no EEF use is located on the ground floor; or
 - (2) The EEF use is located below ground floor.

1420.3 In the M-32 (CR/ARTS) zone, the uses, permissions and conditions of the Arts Use Group and the requirements of Subtitle C, Chapter 24, Preferred Arts Uses and Credits shall apply in addition to the use permission and restrictions of this chapter.

1421 SPECIAL EXCEPTION USES – ZONE GROUP G (CR)

1421.1 The following uses shall be permitted in Zone Group G if approved by the Board of Zoning Adjustment as a special exception under Y Chapter 8, subject to the provisions of this section.

Uses	M-10, M-23 M-32, M-36 (CR)
Animal Care and Boarding	S
Community-based Inst. Facility	S
Education (College/University	S
Emergency Shelter	C S
Entertainment Assembly, and Perf Arts	S
Medical Care	S
Motor Vehicle	S
PDR	S
Utilities	C S
Miscellaneous	S

The following conditions shall apply to the Special Exception (S) uses in the above table:

- (a) Animal Care and Boarding use considered a veterinary office or hospital subject to the following conditions:
 - (1) A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1), except domesticated dogs;
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
 - (3) The veterinary hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - (4) The veterinary hospital shall not abut an existing residential use or a residential zone;
 - (5) External yards or other external facilities for the keeping of animals shall not be permitted; and
 - (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.
- (b) Community-based institutional Facilities for one (1) to twenty (20) persons, not including resident supervisors or staff and their families subject to the following conditions:
 - (1) There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square;
 - (2) There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;
 - (3) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
 - (4) The proposed facility shall meet all applicable code and licensing requirements;

- (5) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
 - (6) The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- (c) Education (College/University) uses subject to the conditions of X Chapter 1.
- (d) Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families subject to the conditions of CBIF above.
- (e) Entertainment, Assembly, and Performing Arts Uses: A bowling alley subject to the following conditions:
- (1) The use shall not be within twenty-five feet (25 ft.) of a residential zone unless separated by a street or alley.
 - (2) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.
- (f) Medical Care Uses subject to the following conditions:
- (1) The facility shall be designed to enhance the visual and recreational opportunities offered by the waterfront.
 - (2) The facility shall be located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking.
 - (3) There shall be a demonstrated need for the facility.
 - (4) The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities which shall include:
 - i. Location, height, and bulk of all improvements, but not limited to buildings, parking, and loading facilities;
 - ii. Screening, signs, and public utility facilities; and
 - iii. A description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.

- (g) Motor Vehicle Uses considered automobile or motorcycle sales or repair, subject to the following conditions:
- (1) Use for vehicle sales or repair shall be located so that it is not objectionable to other uses on the same or neighboring property because of noise, fumes, or other conditions.
 - (2) Use for vehicle sales or repair shall not result in dangerous or otherwise.
 - (3) The use for vehicle sales or repair, and all its accessory facilities, including automobile storage, shall be located within a building.
 - (4) No portion of a building use for vehicle sales or repair shall be used within fifty feet (50 ft.) of a residential zone or M-1, M-2, M-16, M-17 or M-24 zones.
- (h) A Metropolitan Police Department vehicle maintenance facility or equestrian unit under provided the vehicle maintenance facility or equestrian unit shall be located so that it is not likely to become objectionable to adjoining or nearby property because of noise or fumes.
- (i) Utility uses, subject to the following conditions:
- (1) A basic utility use;
 - (2) A use as an optical transmission node (OTN) shall be permitted subject to the following:
 - i. Any new construction of a freestanding structure used primarily for the purpose of housing an OTN shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping; and
 - ii. There shall be no advertisement on the structure.
 - (3) Any construction necessary for the utility or OTN shall be subject to requirements for setbacks, screening, or other requirements, as the Board deems necessary for the protection of neighboring or adjacent property.
- (j) Production Distribution and Repair (PDR) Uses: the following uses shall be permitted as a special exception if the Board considers that this use is appropriate in furthering the objectives of the M-10 (CR), M-23 (CR/DC), M-32 (CR/ARTS), and M-36 (CR/FT) zones, subject to the conditions of (5):

- (1) Use for experimental research or testing laboratory
 - (2) Use for building service trade
 - (3) Warehouse or wholesaler use
 - (4) Use for light manufacturing, processing, fabricating, or milling.
 - (5) The use shall:
 - i. Not result in dangerous or otherwise objectionable traffic conditions.
 - ii. Have no adverse effects on other uses on the same or adjoining properties.
 - iii. Have no outdoor storage of materials, and
 - iv. There shall be adequate off-street parking for trucks and other service vehicles.
 - (6) Any other PDR use shall not be permitted.
- (k) Miscellaneous Uses: Other uses, except PDR uses, shall be permitted as a special exception, if the Board
- (1) Determines that this use is appropriate in furthering the objectives of the zone, subject to the provisions of this section;
 - (2) Uses authorized under this section shall not adversely affect the present character and future development of the neighborhood; and
 - (3) No dangerous or otherwise objectionable traffic conditions shall result from the establishment of any miscellaneous use.

CHAPTER 15 ALLEY LOT REGULATIONS

1500 GENERAL PROVISIONS

- 1500.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.
- 1500.2 An alley lot that is only recorded on the records of the D.C. Office of Tax and Revenue as an assessment and taxation lot (tax lot) may be recorded by the Surveyor, District of Columbia as a record lot if the tax lot was created on or before May 12, 1958.
- 1500.3 New alley lots may be created as provided in C § 403.

1501 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS

- 1501.1 The bulk of buildings on alley lots in an M zone shall be controlled through the specified development standards of this chapter.
- 1501.2 The following development standards shall apply to buildings on alley lots in M zones:

Lot Occupancy Max.	GAR	Rear Setback	Side Setback	Alley Centerline
100%	As required by applicable zone	5 ft. from any lot line of all abutting non-alley lots		12 ft. from the centerline of all alleys to which the alley lot abuts

- 1501.3 The maximum height and stories of a building on an alley lot shall be determined as follows:
- (a) The maximum height and stories of the building in M-6, M-8, M-9, M-10, M-20, M-21, M-22, M-23, M-32 and M-36 zones shall be thirty feet (30 ft.) and three (3) stories.
 - (b) The maximum height and stories of the building in other M zones shall be twenty feet (20 ft.) and two (2) stories.

1502 ALLEY LOT USES PERMITTED BY RIGHT

- 1502.1 Only uses that are permitted by right or permitted by condition in the applicable zone are allowed, subject to the satisfaction of all related conditions, and as further limited in G § 1502.2.
- 1502.2 Residential use is permitted, subject to the following conditions:
- (a) A building may not be constructed or converted for a single or multiple

dwelling units unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and

- (b) The alley lot abuts an improved alley twenty-four feet (24 ft.) or more in width and has access to a street through an alley or alleys not less than twenty-four feet (24 ft.) in width.

1503 ALLEY LOT USE GROUPS PERMITTED BY SPECIAL EXCEPTION

1503.1 The following use shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Y Chapter 8 and subject to the conditions of each section.

1503.2 Residential uses shall be approved subject to the following conditions:

- (a) The Board of Zoning Adjustment may grant special exception relief from G §§ 1502.2 (a) & (b) subject to the following conditions:
 - (1) The Board determines there is no adverse impact to the adjoining properties and that adequate public utilities and safety can be provided for the residents of the proposed dwelling and adjoining properties.
 - (2) The Board shall consider relevant agency comments concerning:
 - (3) Public safety relating to fire concerns;
 - (4) Water and sewer services;
 - (5) Waste management; and
 - (6) Traffic and parking.